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Volume No. 28

Royal Commission on Crime,

Thursday May 24/62.

P.P. 5785 ——— 6023.

IN THE SUPREME COURT OF ONTARIO

BETWEEN :

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs.

-and-

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF PROCEEDINGS AT TRIAL.

Dates .....

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO.

A/1/MR

VOLUME 28

INDEX OF WITNESSES

INDEX OF EXHIBITS

A/1/WR

THURSDAY, MAY 24, 1962

---On resuming at 10:00 o'clock a.m.

ROLAND HUGH DEVEREUX, sworn

EXAMINED BY MR. WILSON:

Q. When did you join the Force?

A. In 1941.

Q. And in 1960 what was your position in the Force?

A. I was Sergeant.

Q. Where were you posted at that time?

A. No.9 District Headquarters in Belleville.

Q. And when did you leave Belleville?

A. June of 1960.

Q. And were transferred to Toronto?

A. That is correct.

Q. And you were assigned or, rather, appointed Inspector?

A. Yes, I was.

Q. And you now are assigned to what branch?

A. To the Criminal Investigation Branch.

Q. And when Wright was arrested, at Belleville, on May 28th, 1960, were you present?

A. Yes, I was. Not when he was arrested, sir.

—— Examination by Mr. [illegible]

[illegible]

Examined by Mr. [illegible]

Q. Where did you first see Barrett?

A. In 1943.

Q. And in 1943 where was your permanent

in the Army?

A. I was discharged.

Q. Where were you discharged, in what Army?

A. We, I discharged Headquarters in

Louisville.

Q. And when did you leave Louisville?

A. June of 1946.

Q. And were transferred to Kentucky?

A. Right in Louisville.

Q. And you were assigned to a unit.

Assignment

A. Yes, I was.

Q. What unit was assigned to

what happened?

A. To the Criminal Investigation

Division.

Q. And what rank was attached.

at Louisville, or say, then, 1946, were you promoted?

A. Yes, I was. Not more in

the enlisted ranks.

Q. But did you have something to do with the search of his apartment following his arrest?

A. I did.

Q. You heard Inspector Graham state he was there along with - who was it from the Toronto Metro Force?

A. Then Sergeant Genno, now Inspector Genno of Metro Police.

Q. And you heard Wright's evidence about a second diary, notations of certain entries, following April 22nd, 1960?

A. Yes, I did.

Q. And what do you say as to whether or not that second diary was on the premises at the time of the search made by the three of you?

A. I don't believe it was on the premises.

Q. What are your reasons for saying that?

A. One reason is that I advised Wright that I was on the premises for a twofold purpose; one was to pick up his uniform and his equipment and all diaries, documents, that he may have in his possession.

Q. Yes.

A. No.2 was that we were executing a criminal warrant to search for evidence on the premises, and a very thorough search was made.

Q. Did you have occasion to be in the house of the defendant following his arrest?

A. I did.

Q. Did you observe anything in the house that struck your attention?

A. Yes, Sir. I saw a large number of [illegible] and [illegible] in the house.

Q. Did you further observe anything else?

A. Yes. I saw [illegible] and [illegible] in the house.

Q. Did you have any way of knowing or not that record [illegible] was on the premises at the time of the search made by the Sheriff of [illegible]?

A. I don't believe it was on the premises.

Q. What are your reasons for saying [illegible]?

A. The reason is that I searched every place I was on the premises for a [illegible] purpose, and was to clean up the [illegible] and [illegible] and all [illegible], [illegible], [illegible] we may have in the possession.

Q. Yes.

A. He had made no [illegible] a criminal business to search for evidence in the [illegible], but I [illegible] [illegible].

Wright himself appeared to be very co-operative in handing over to me his uniform and equipment. He turned over the uniform and handed me notebooks, and so forth. It certainly wasn't among those effects, the contentious note_book that was introduced at Wright's trial was found by Inspector Graham and handed to me at the time, but no sign of the second-mentioned notebook.

Q. You were present -- You were the person who listed all the articles found on the premises?

A. Yes, that's correct.

Q. In your record of the articles found on the premises there is no record of any second diary as described by Wright?

A. No, there isn't, and I remember Inspector Graham searching the large closet at the end of the hall adjacent to the bedroom. He disappeared into there. There was quite a number of sports shirts and clothing hanging in there and it would seem to me that Inspector Genno spent a great deal of his time in the search in a little cubbyhole, which would be the second cupboard, which is situated about eight feet from the front door.

Q. I think Wright said the diary in question was in the clothes closet at the rear or end of the hall.

THE COMMISSIONER: In a carton.

[illegible] Mr. [illegible] If someone is to be [illegible] co-[illegible] in handing over to us his uniform and equipment, he cannot come [illegible] conscious, and so forth. It certainly [illegible] more than was introduced at Nuremberg [illegible] by [illegible] and [illegible] as the [illegible], but to [illegible] of the [illegible] [illegible].

Q. You were present -- You have the [illegible] on Sikorski [illegible] the [illegible] [illegible] President.

A. Yes, that's [illegible].

Q. In your record of the articles found on the prisoners there is no record of any second story as described by [illegible].

A. No, there isn't, and I remember [illegible] Lieutenant Colonel [illegible] the large [illegible] at the end of the hall adjacent to the [illegible]. He disappeared into there. There was quite a number of [illegible] and clothing [illegible] in there and it would seem to be more [illegible] there about a [illegible] feet of rain fell in the [illegible] to a little [illegible]. Much [illegible] the [illegible] [illegible] [illegible] from the [illegible].

Q. I point [illegible] the [illegible] question was in the [illegible] [illegible] of the hall.

[illegible] Commissioner: In a [illegible].

MR. WILSON: In a carton, yes.

THE WITNESS: Well, I can't say from my knowledge looking in there, I saw Inspector Graham delving into that closet.

MR. WILSON: Q. Now, you had charge of the check that was made on the phone call_s to this Port Credit, Crescent, number, 8-3783?

A. That's correct.

Q. How did you go about that, just briefly?

A. The first thing that was done was to search the Bell Telephone records at their Belleville office and I adized Wright's records for his home telephone listed under No. Woodland 8-6223. I was successful in obtaining --

THE COMMISSIONER: Q. Woodland what?

A. 8-6223.

MR. WILSON: Q. Yes?

A. I was successful in obtaining all the slips covering those long-distance tolls except one which was billed out on March 12th, 1960, in the amount of $2.50.

Q. To what place?

A. To Toronto.

Q. And were you able to tie up the distance phone call in respect to that a call?

A. Yes. Subsequent examination of Scott's diaries would indicate that the call had been placed to him on that evening.

Q. Now, was that the only call to Toronto from Wright's home telephone?

A. The only one to Scott.

Q. That was the only one to Scott?

A. There was none to ---

Q. And none to McDermott from the home phone number?

A. No, they were all to friends of the family.

Q. So that the only call where the toll tickets were not available was this one on March 12th to Scott?

A. That's it. The explanation for the absence of this ticket from the Bell records was put forth by a Bell Telephone employee, a Mr. MacDonald. He advised that it was customary for some subscribers to bring their account to the desk and ask to peruse the slips, and he feels that may have been the case and the slip was taken by the party - possibly unbeknown to the Bell Telephone employees; but we have no absolute proof that this did in fact occur.

Q. Now, you have heard the evidence of Constable Moore in regard to the various calls that were made by Wright, and Wright's own evidence in that regard from the various pay stations in Belleville. Did that in any way make your task more difficult to work out the pattern of calls?

Q. Now, [illegible]

A. The only one is [illegible].

Q. That was the only one to [illegible]

A. There was also [illegible] —

Q. And were no [illegible] from the home phone number?

A. No, they were all to Members of the family.

Q. So that the only call where the [illegible] was made was [illegible]

A. That's it. The explanation for the absence of this ticket from the bill [illegible] by a Bell Telephone employee, a Mr. MacDonald. He advised that it was customary for some subscribers to a [illegible] to the desk and ask to peruse the slips, and he feels that may have been the case and [illegible] possibly unbeknown to the Bell Telephone employees. [illegible]

Q. Now, you have heard the evidence of Constable Moore in regard to the various calls that were made by Wright, and Wright's own evidence in that regard from the various pay stations in Belleville. Did that in any way make your task more difficult to work [illegible]

A. Yes, the long-distance toll slips from the Belleville office are almost daily forwarded direct to the accounting department in Montreal. For me to make a check of these toll tickets it was necessary to execute a warrant on the accounting department of the Bell in Montreal and have some seventy-four to seventy-five thousand toll tickets drawn, then select from those all the tolls from the Belleville area to Toronto. Then I went through those to narrow it down to certain numbers. I did this and came up with 83 toll tickets.

Q. If he had made the calls from his own home number you would have been able to trace them in Belleville by examining the toll tickets there?

A. Yes, it would have been a very simple matter.

Q. But by reason of the technique he used you had no -- you had to examine these thousands of toll tickets in the Montreal office?

A. Yes, and if the calls had been from his residence it would have been corroboration to anything he was trying to do in a legal way.

Q. Yes, thank you.

EXAMINED BY MR. MacKINNON:

Q. On May 28th, did you make notes of your search?

A. Yes, I did.

MR. WILSON: Mr. Commissioner, one question, please.

Q. How long did it take you to sort these toll tickets out in Montreal?

A. I did that -- I got the help of 13 operators to select. I spent the day going through the tickets to draw the calls to Toronto out, because I didn't wish to divulge to them what numbers I was seeking. Then I took those to my hotel room and I was a day and a half just going through the Toronto calls to select the 83.

Q. You had 13 girls working one day?

A. Plus my own services.

Q. Yes, plus your own service, and then it took you a day and a half after that to sort out the ones that had been sorted the first day?

A. That's correct.

Q. Thank you.

MR. MacKINNON: Q. Coming back to your notes, do they cover the interrogation of Constable Scott?

A. No, they don't, sir.

Q. Were you present when he spoke to

either -- well, to Inspector Graham?

A. Just during the search, Mr. MacKinnon.

Q. And then when you left the premises, where was Wright taken? Was he with you and Inspector Graham?

A. He was in the car. I believe he was taken almost immediately to Toronto.

Q. You didn't go withhim?

A. No,I didn't, sir.

Q. Have you your notes there?

A. Yes.

Q. I wonder if I could have a quick look at them.

A. That's the start there. It's in chronological order.

Q. I see you show here the total moneys in Wright's apartment at $394.02, is that correct?

A. Yes, correct.

Q. And then you have "found in carton in closet". What does that mean? Is that where the money was found?

A. No, that's where these telephone accounts were found.

Q. I see.

A. There was eighty-some dollars of that total returned to Mrs. Wright because it was found in a train case which she claimed.

Q. $83 returned?

A. Of that total quoted.

Q. Thank you.

THE COMMISSIONER: Any questions, Mr. Brewin?

MR. BREWIN: No, sir.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No, sir.

---The witness withdrew.

ROBERT J. WRIGHT, Recalled

THE COMMISSIONER: He is being recalled for Mr. Brewin's examination, Mr. Wilson?

MR. WILSON: Yes, Mr. Commissioner.

THE COMMISSIONER: And Mr. Rose?

MR. WILSON: Yes.

EXAMINED BY MR. BREWIN:

Q. Mr. Wright, you joined the O.P.P. in 1953, was it, I think you told us?

A/2 A. Yes, sir.

Q. And you were there for about a year during the time that Cronin was a Sergeant on the anti-gambling squad?

A. Yes, I believe about a year, that's right.

Q. I understand Cronin retired in April, 1954, or was transferred in 1954 and retired shortly thereafter?

A. Yes, he was transferred from the Branch in 1954.

Q. He was quite considerably senior to you in respect to position and, I take it, in actual age?

A. Yes, he was a Sergeant and he would be quite a bit older.

Q. And you also told us you met him on January 16th and asked him for $2,000 to finance the investigation you proposed to make?

[illegible]

The [illegible], Mr. is being [illegible]
for Mr. [illegible]'s [illegible], Mr. [illegible]?

Mr. [illegible]: Yes, Mr. Chairman.

The [illegible], Mr. [illegible].

Mr. [illegible]: Yes.

[illegible]

[illegible]

Q. Mr. [illegible], you [illegible] the [illegible]
in 1955, was it, I think you told me?

A. Yes, sir.

Q. And you were [illegible] about 9
year during the time that [illegible] was 9
[illegible] in the [illegible]-[illegible] [illegible]?

A. Yes, I believe about a year,
[illegible]'s right.

Q. I understand [illegible] received in
April, 1954, or was transferred in 1954 and
returned [illegible], [illegible]?

A. Yes, he was transferred from the
[illegible] in 1954.

Q. Do you [illegible] [illegible]
so you [illegible] to [illegible] and, I [illegible] it.
[illegible]?

A. Yes, he was a [illegible] and he
would be [illegible] a [illegible].

Q. And you also [illegible] to you [illegible]
[illegible] [illegible] [illegible] [illegible]
to finance the investigation you proposed to [illegible]

THE COMMISSIONER: January what?

MR. BREWIN: January, 1960.

Q. You told us that in your evidence earlier?

A. That's correct.

Q. Is that right?

A. That's right, sir.

Q. Had you met or communicated with Cronin in that interval at all?

A. No sir, except prior to maybe about three years prior to that I ran into him on Danforth Avenue that day. I happened to be doing some shopping that day and I bumped into him.

THE COMMISSIONER: Q. What day did he resign from the Force?

MR. BREWIN: April, 1954, I believe. I may have the wrong date, that may be the date he was transferred. I think it was in July, Mr. MacKinnon suggests was the date of his retirement.

Q. So you just met him casually on the Danforth?

A. On Danforth Avenue, yes sir.

Q. By pure chance?

A. Absolutely, sir.

Q. Did you have any discussion with him at that time?

A. No, he said -- he just wanted to know how I was doing and I asked him how he

was doing. Nothing transpired that was important that would help the Commission.

Q. That is the only occasion you met him between the time of his transfer from the anti-gambling squad to the time you went to his motel in Kingston to borrow $2,000?

A. That's correct, sir.

Q. That is correct?

A. Yes, sir.

Q. Can you tell us why you selected Sergeant Cronin as a person who might lend you $2,000 for this investigation into the anti-gambling squad?

A. Well, there was nobody that I knew that I could borrow money from. There was nobody that I knew that had been on the squad that might be in a financial position to lend me any money.

Q. How did you know anything about his financial position?

A. I really didn't know anything about his financial position other than he did have a motel.

Q. Did you know where the motel was?

A. Yes, I did.

Q. How did you know that?

A. I had been told by officers on the squad, probably three or four years prior to this.

Q. You also knew, you swore to it

was dully. Nothing changed and was

[illegible] was [illegible] [illegible] [illegible]

Q. And is she only [illegible] [illegible]

and the [illegible] and [illegible] of his [illegible] [illegible]

the [illegible] [illegible] [illegible] [illegible] [illegible]

to his motel in Kingston to [illegible] [illegible]

A. Mary's [illegible], [illegible].

Q. What is [illegible]?

A. Yes, sir.

Q. Can you [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

A. well, there was [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

his financial position?

Q. [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

have a [illegible].

Q. Can you [illegible] [illegible] [illegible] [illegible]

A. Yes, I [illegible].

Q. How can you [illegible] [illegible]

A. I was [illegible] [illegible] by [illegible] or

[illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible].

Q. [illegible] [illegible] [illegible] [illegible]

before, that there was at least suspicion that he had been involved with the gambling elements?

A. Yes, there was gossip and suspicions to that effect.

Q. Didn't it occur to you as being a strange place to go for a loan of $2,000, a man that had been transferred and retired under, apparently, suspicion of being involved with the gambling elements?

A. No, sir, he was a good Sergeant on the squad.

Q. He was a good Sergeant?

A. Yes, sir. He did a lot of good work.

Q. And that was the reason you went to him nearly six years since you had any real connection with him at all?

A. That's correct, sir.

Q. Then had you heard from Corporal Shrubb, as he then was, that Cronin had attempted to bribe him on behalf of the gamblers, get information for the gamblers? Did you hear that information?

A. I don't know about any bribery but I do recall that Shrubb had said to me something about that he had seen Cronin. I didn't know what it was about. He didn't divulge it.

Q. You knew there was at least talk,

[illegible]

that he had been involved with the quality [illegible]

A. Yes, [illegible]

[illegible]

Q. Didn't he want to give [illegible] a strange place to go for a loan of [illegible] [illegible] [illegible] [illegible], apparently, implication of being involved [illegible]

A. No, sir, he was a good [illegible] on the annual.

Q. [illegible]

A. Yes, sir. [illegible] a lot of good work.

Q. [illegible]

[illegible] [illegible] [illegible] good commercial which has [illegible]

A. That's correct, sir.

Q. Then had you owned [illegible] [illegible], as he then was, that [illegible] and [illegible] to [illegible] and [illegible] of the [illegible], [illegible] [illegible] for the [illegible] and you [illegible] [illegible]

A. I don't know [illegible] [illegible] I do recall that [illegible] and [illegible] [illegible] had been [illegible]. I didn't know [illegible] it was about. [illegible] [illegible] [illegible].

Q. You knew [illegible] [illegible] [illegible].

I suggest to you, in the Force of the fact that Cronin had acted as a_n intermediary for the gamblers in trying to corrupt a member of your squad?

A. I had heard that, sir. I just vaguely heard of it. It seemed to be quite secretive on the squad.

Q. And that, you thought, was a good qualification apparently for trying to borrow $2,000 for a further investigation?

A. Well, sir, I didn't believe this gossip and rumour except that I couldn't understand why the man wasn't being charged if there was any truth to it.

Q. Well,I cannot understand that either. We will deal with that matter later.

A. I thought if there was any truth to this rumour and gossip and suspicion the man would have been charged.

Q. You said Shrubb was an efficient and honourable officer?

A. Yes, sir.

Q. Who was the recipient of the attempted corruption from Cronin?

A. No, it was Constable Armstrong that was apprently attempting to be contacted by Cronin.

Q. Then you went down in January, I take it?

A. Yes, sir.

I thought it was, in the hands of the plaintiffs (Green) too great an exaggeration in the question to Mr[illegible] to describe a [illegible] poor house?

A. I had heard that, sir. I have verbally heard of it. It seemed to be quite associated on the street.

Q. And after you thought, you a good qualification exactly for trying to borrow $5,000 for a further investigation?

A. Well, sir, I didn't believe this speculation and rather sorry that I would have mentioned my his wife's being concerned if there had not been no [illegible].

Q. Well, I cannot understand that attitude. We will deal with that matter later.

A. I thought it been too much to this rather an odd[illegible] for you with [illegible].

Q. You said through one an [illegible] and [illegible]?

A. Yes, sir.

Q. Who was the recipient of the [illegible] [illegible]?

A. No, it was [illegible] [illegible] that was apparently [illegible] to be connected by [illegible].

Q. Was you [illegible] [illegible] I know [illegible]?

A. Yes, sir.

Q. After your transfer from Belleville?

A. After my transfer from Belleville?

Q. To Belleville, I am sorry.

A. Yes.

Q. Very soon after ---

THE COMMISSIONER: Q. That is right, is it not?

MR. BREWIN: Q. There is no doubt about that, you have sworn to it already?

A. Oh, yes, sir, I am sorry.

Q. And at that time you knew where he was at a motel in Kingston? You didn't have to look it up?

A. No, I didn't have to look it up. In trips going through Kingston over the years the motel had been pointed out to me.

Q. You never dropped in to see him at the k motel before?

A. No, sir.

Q. Then you did go in and you asked him for $2,000?

A. Yes, sir.

Q. And you revealed the intended purpose, did you?

A. I told him I had been transferred and that I thought it was very unfair that I was transferred and I was going to do a special investigation but I had no money.

Q. Did you tell him what the purpose

Q. Where you immediately [illegible]

[illegible]

Q. After an examination from Dr. [illegible]

Q. To Dr. [illegible], I am sorry.

A. Yes.

Q. Dr. [illegible] after ---

THE COMMISSIONER: Q. What is repeat, is it not?

DR. [illegible]: Q. Young Mr. [illegible] that, you have answer to it already?

A. My [illegible], I am sorry.

Q. But is that what you say [illegible] to was at a model in Kingsway? Now do you have to look it up?

A. No, I didn't have to look it up.

Q. In order [illegible] the years the model had been operated was in 19[illegible].

Q. You never thought it to see for [illegible] is a model factory?

A. No, sir.

Q. Then you did go in and you [illegible] for 20,000?

A. Yes, sir.

Q. And you recommend the [illegible] [illegible], all [illegible]

A. I told him I had been [illegible] and that I thought it was very [illegible] I was [illegible] and I was going to do [illegible] but I had no [illegible].

Q. And you will [illegible] the [illegible]

of your special investigation was?

A. Yes, sir, I told him I suspected there were leaks on the branch and with me being transferred they must have thought it was me who was the leak. He advised me he had no money and wouldn't lend me any money. He said"just forget about it and take it like I did or you will get into trouble". That is what he advised me.

(Page 5800 follows)

MR.BREWIN: Q. Well, he had some sympathy for your position, I take it?

A I don't know whether he had any sympathy.

Q You expected him to be sympathetic in the position in which you found yourself, you had been transferred and so had he?

A I expect he would understand, his being a former member on the branch; yes, sir.

Q. He said he did not have any money to lend you but encouraged you to proceed with the investigation?

A We had some discussion as I say, he advised me I would be better off not to try and do anything, that I would probably get myself in trouble.

Q. Why did you answer this question in this way - this is at page 5123 of the evidence:

"Q Did you ever confide in anybody "about what you were doing - the scheme "you were going to work on - this plan "you had?

"A. Just my bank manager, sir.

"Q Your bank manager. What is his "name?

"A. Mr. Hunter."

Why did you answer that question in that way if you knew you had consulted Mr. Cronin and

MR.SHULIN: Q. Well, he had been

[illegible] for your privilege, I [illegible]

A. I don't know whether he had any [illegible].

Q. You suggested him to be [illegible] in the position in which you found yourself, [illegible]

A. I wouldn't be really [illegible], his being a former member on the [illegible]. You, sir.

Q. He said he did not have any money to lend you but encouraged you to proceed with the [illegible]

A. He had some discussion as I may, he advised me I should be better off not to [illegible] and do anything, that I would probably [illegible] [illegible] in trouble.

Q. Why did you answer this question in this way - this is at page 3[illegible] of the [illegible]:

"Q. Did you ever continue in business [illegible] what you were doing - the scheme [illegible] to work on this plan [illegible]

"A. [illegible] my own business, sir.

"Q. Your bank manager, was in his [illegible]

"A. Mr. Brooker."

Why did you answer that question in that way if you knew you had continued in [illegible]

he was going to be, if not a partner in the venture, at least a lender for your proposed venture?

A. Sir, that is something I overlooked.

Q. You overlooked about Mr. Crosby?

A. Yes, because, actually, I didn't confide in him, to explain how I was going to go about it, to that effect.

Q. Did you tell him how you proposed to spend the $2,000 if he loaned it to you?

A. No. I told him I would need $2,000 to do the investigation.

Q. You did not tell him you were going to spend some of it in corrupting your fellow officer Scott?

A. No, sir, I did not.

Q. Did you give him any indication of how you would spend the $2,000 if it were loaned to you?

A. No, other than I was going to do a special investigation.

Q. Just a special investigation?

A. Yes, sir.

Q. Did you tell him about any security you were going to give him, that it would be repaid at any time?

A. Yes. I told him I could get the money at the end of the investigation from the law enforcement fund.

Q. You just said his problem was he did not have the money?

A. That is correct, sir.

Q. About confiding in your bank manager, did you actually confide your scheme to the bank manager?

A. I told him I was doing a special investigation and I asked him to make a note of the serial numbers of my bills.

Q. You did not tell him anything else about the nature of the investigation?

A. No, sir.

Q. Was he a little curious as to why you would have to borrow on the basis of your own personal bonds for a special investigation?

A. No, sir, he wasn't at all.

Q. You had the bonds and that is what he was interested in?

A. Well, he made a note of the bonds, along with his accountant.

Q. You did not confide in him the nature of the investigation you were proposing to make at all?

A. No, I didn't discuss the ins and outs, or pros and cons, so to speak, with him.

Q. Then I take it, if you did not really confide in the bank manager, except you were making a special investigation and you would like the money, the only person you confided

Q. Did you have any personal dealings with the deceased?

A. That is correct, sir.

Q. Among investigating in your own behalf, did you actually receive your salary in the form of money?

A. I took pay I was doing a special investigation and I asked him to take a note of the serial numbers of my bills.

Q. You did not tell him anything else about the nature of the investigation?

A. No, sir.

Q. Was he a little curious as to why you would have to borrow on the basis of your own personal loans for a special investigation?

A. No, sir, he wasn't at all.

Q. You had the money and thought it would be a substantial tax?

A. Well, he made a note of the numbers along with his accountant.

Q. You did not confide in him the nature of the investigation you were pursuing in more or less?

A. No, I didn't discuss the law and order, or crime and crime, so to speak, with him.

Q. Wasn't there it, if you did not mind mentioning a special investigation and you would like the money, the only person you confided in

in was Cronin?

A. I didn't confide in him, either, because I didn't discuss the pros and cons.

Q. Was it on this interview or a later interview, I think you told us, he gave you quite a considerable amount of information about Lamorie and Lawrence?

A. No, he didn't give me information on Lamorie and Lawrence.

Q. Cronin did not?

A. No, sir. He told me that he had heard there were officers on the squad.

Q. Oh, yes. Perhaps I had better refer to that in the evidence, and I would like to get your clarification of that point. I think you entered in your notes - it is referred to in your evidence at page 5210:

". 'At this time . . . .'" - this is the note you made on February 29th, 1960 -

". . . 'I should point out that I had "contacted Mr. J.F.Cronin, a former "sergeant at the branch, and talked "with him about information from the "underworld.;'"

B/2 Were there two separate times you went to Cronin or just the one time, when you borrowed the money?

THE COMMISSIONER: When he tried to borrow it.

MR. BREWIN: Tried to borrow it. I am sorry.

Q. One time was in January before you spoke to Scott?

A. That is correct.

Q. Shortly before your transfer to Belleville?

A. That is correct.

Q. Was there another time when you talked about information from the underworld, is that a separate occasion or the same occasion?

A. That is the same occasion, when I saw him in January. I saw him after that but there was no discussion about the investigation.

Q. You saw him after that?

A. Yes.

Q. When?

A. I am not just sure but it would probably be in February, I think. I am just guessing. But, how it came up was that two other officers from the Belleville detachment and myself had gone down to Kingston for a social evening and on leaving Kingston we dropped in at the motel for a coffee.

Q. But there was no discussion of your plan or your scheme?

A. No, sir.

Q. There was this one occasion in January?

A. Yes, when I tried to borrow the money off him, that he said -- Could I see my notes, sir? I could tell from my notes what he told me.

Q. Yes, by all means.

---Document handed to witness.

A. What date did you say?

Q. February the 29th. It is at page 7 of the copy I have. Yes, this is what I took out of the conversation of his exact words. This is the gist of the conversation I put down: "He told me - -

". . . of many things & told me

"to contact him any time I wished to.

"He stated he was convinced someone

"or 2 persons were tipping off the

"gamblers in the Niagara Peninsula."

You had a pretty thorough discussion with him on this first occasion when you tried to borrow the money?

A. Not a really thorough discussion. He was the kind of a man that he would discuss something and ramble on about something else.

Q. It says here:

"I contacted him at Kingston, at his

"motel."

I --

". . . talked with him about information

"from the underworld."

Did he give you any information from the underworld?

A. None, other than there were two officers or two persons supplying information to the gamblers in the Niagara Peninsula.

Q. You thought he would lend you money and give you some good information about the underworld?

A. I didn't "think". It came up in our discussion.

Q. It says here:

"I contacted him at Kingston, at his "motel."

I --

". . . talked with him about information "from the underworld."

That is your own record?

A. Yes, sir.

Q. It seems that was partly the purpose, to borrow the $2,000 and get information from him?

A. That was the purpose I was down there for.

Q. Mr. Cronin --

". . . informed me of many things & "told me to contact him any time "I wished to."

A. The only things he told me of were

these two persons.

Q. What were the many things he told you about?

A. There weren't many things at all.

Q. Did you make any note of your interview with Cronin at this time, secret or otherwise? Did you make any note?

A. No, sir, I did not, because I didn't think it was significant at that time.

Q. You did not think it was significant?

A. No.

Q. And, yet, you were interested at this stage in uncovering any corruption in the Ontario Provincial Police Anti-Gambling Squad?

A. Yes. And the main purpose of my being there was to borrow some money off Mr. Cronin.

Q. Was it of any interest to you when he said he was convinced someone or two persons were tipping gamblers off in the Niagara Peninsula? I would have thought that would have been right down your alley, if you were conducting an investigation?

A. Yes, it interested me at the time but, as I say, he is the kind of man who has many stories and I didn't take very much note of it at the time.

Q. How would he know who was tipping off gamblers in 1960 when he had not been on the force since sometime in 1954?

A. I don't know.

Q. Did you inquire as to the source of his information?

A. No, because he told me he had heard.

Q. You did not try to find out where he heard and, yet, you were conducting an investigation into alleged corruption?

A. That is correct.

Q. You did not bother, when a former sergeant told you they were tipping off -- two persons, off gamblers in the Niagara Peninsula, you did not bother to inquire who they were, or any details of it?

A No, sir.

Q. Did you ask the names of the persons, whether he knew who was tipping off the gamblers?

A. I could have. I wouldn't want to swear to it, but I could have, and he didn't seem to know who.

Q. Then, following this up a bit:

"He told me how he heard that

"someone in the Branch was tipping

"off a Mr.E.Balsam."

How had he heard that?

Q. Now would he know who was shipping oil? Somebody in Iqod would be not just going to use Iranse since Qaestine in Iqod?

A. I don't know.

Q. Did you happens to be the person of his interest?

A. No, because he told me he had money.

Q. You did not try to find out where he hence was, you, you were conducting an investigation into alleged corruption?

A. That is correct.

Q. You did not bother, under a Freedom of Information Act you long were trying to — two years, off questions in the Hungary Ministry, you did not bother to inquire who they were, or any details of it?

A. No, sir.

Q. Did you ask the owner of the pipeline, whether he knew who was shipping oil?

MR. [illegible]:

A. I tried once. I wasn't able to speak to him, but I could have, but he didn't seem to know who.

Q. Then, [illegible] this up a bit:

"He told me he knew that

"Someone in the Iranian was shipping

"oil a [illegible]."

Did that he [illegible] that?

A. I do not know how he had heard that.

Q. It says here in your own words: "He told me how he heard that "someone in the Branch was tipping "off a Mr. S.Balsam."

A. Oh, that is a figure of speech, how he had heard.

Q. A figure of speech?

A. Yes.

Q. Would you not, as an investigating officer conducting your own special investigation, be extremely interested in knowing how he had heard that somebody in the branch was tipping off Mr. Balsom?

A. Well, sir, I was just getting started on my investigation. Iwas just starting it.

Q. I thought you had a pretty solid lead, you called on Cronin to borrow some money and before you hardly got started on your investigation you are told by Mr. Cronin how he had heard that someone in the branch was tipping off Mr. Balsom?

A. As I say, when I put "how" in there that is just the way I put it down.

Q. Wasn't this a true record you put down at the time?

A. This is a true record. Well, this

A. I do not know how he had heard them.

Q. If such more in your own words, tell me how he heard them.

"Someone in the house was lighting the [illegible]."

A. Oh, that in a figure of speech, how he had heard.

Q. I figure of speech?

A. Yes.

Q. Would you not, on an investigation, efforts concerning your own physical investigation, be extremely interested in knowing how he had heard that especially in the house was lighting off Mr. Malone?

A. Well, sir, I was just getting started on my investigation. Iman just starting it.

Q. I thought you had a pretty solid case, you relied on Crouch to narrow down among and before you merely got someone on your investigation you are told by Mr. Crouch that he had heard that sounds in the person was talking to Mr. Malone?

A. As I say, when I put "now" in there that is just the way I put it down.

Q. Really this is how didn't you put down as too clear?

A. This is a true record. Well, this

is my concept of what he told me, sir.

Q. He told you "how" he heard that someone in the branch was tipping off Mr. S.Balsom? Did he tell you?

A. Yes, he told me there were two officers.

Q. But, "how" he heard about it?

A. No, he didn't tell me how he heard about it.

Q. Then, this is not a true record?

A. Well, the way I wrote it -- I am not a perfect person to write out or explain myself. When I put "how" it would be like if I put "if", "and" and "but" in there.

B/3

Q. And:

"He told me that Mr. Balsam had been "told by the informants that under "no circumstances would he contact "the informants at their homes."

Did you ask him how he knew that Mr. Balsom had been told this?

A. Yes. I had asked him and he said he had heard this. He didn't say where he had heard it.

Q. And, then, he says:

"Any time the Branch was going to "aid a bookmaker in the Peninsula "that they would contact Mr. Balsam "in a bowling alley in St.Catharines."

in my opinion of what he looks so, sir.

Q. Do you find "Now" be being sub, because in the opinion was talking out Mr. Antony? Did he "well yes?

A. Yes, it will be where also his

ANTONY.

Q. But, "Now" in among means 1st?

A. No, he didn't will so you be

know every it.

Q. Then, this is not a true reason?

A. Well, how dog I "Yours it —

I am not a positive person in saying out of explicit opinion. When I put "Now" it would be like if I put "If", "and" and "but" in among.

Q. —Well

"We must be very sr, Antony had been

"Well by the information that author

"An otherwise-minded would be contrary

"the information as their issues."

Did you see him how he knew what Mr. Antony had been told that?

A. " Yes. I had seen him and he said he had heard this. He didn't say where he had heard it.

Q. And, then, he says:

"Our time the Jacob the Jacky is

Said a commander in the Mediterr.

"Our day week yesterday Mr. Antony

"In a boating alley in Br.Mediterr."

This, again, I remind you, is in 1960 we are talking about and Cronin had not been on the Force for six years. Did he tell you how he knew this piece of information?

A. No, sir, he did not.

Q. And you did not ask?

A. No, I did not. I asked him but he just said he heard it.

Q. As a matter of fact, this piece of information was confirmed later, to a degree at any rate, by Scott?

A. Yes, it was.

Q And Scott indicated it was Lawrence and Lamorie who were the two officers giving the information?

A There was discussion between Scott and I about that.

Q. You, yourself, came to the conclusion that it was Lamorie and Lawrence, I take it, that Sergeant Cronin was referring to?

A. Yes. I came to the conclusion it could have been them, yes sir.

Q. It goes on to say:

"Sgt. Cronin also informed me that "the two men from the Branch had "definitely been paid money by Mr. "Balsam."

"Definitely been paid money"; did Cronin inform you of that?

That, again, I remind you, is in 1900 we are talking about and Cheria had not been in the house for six years. Did he tell you how he knew this piece of information?

A. He, sir, he did not.

Q. And you did not ask?

A. No, I did not. I asked him but he just said he knew it.

Q. As a matter of fact, this piece of information was confirmed later, is a matter of the case, is it?

A. Yes, it was.

Q. And Marie Delphine, the housemaid and Lemarie also were the two officers giving the information?

A. There was discussion between them and I about that.

Q. You, yourself, came to the conclusion that it was Lemarie and Lecomte. I take it, that Sergeant Cheria was mistaken?

A. Yes. I came to the conclusion it could have been them, yes sir.

Q. It goes on to say:

"Q. Cheria also informed in that

"the two men from the Jesuits had

"definitely been paid money by M.

"Lecomte."

"Definitely been paid money"? Did Cheria tell you of that?

A. I believe he had told me that they were being paid money.

Q. Now, Witness, just look at these exact words and tell me whether this statement is a true or false statement:

"Sgt. Cronin also informed me that "the two men from the Branch had "definitely been paid money by "Mr. Balsam."

Did he tell you that or did he not?

A. Yes, I would say he told me that, sir.

Q. This is a correct report of what Cronin told you?

A. Yes, sir.

Q. What did you do about it, did you report it to any person?

A. Not at this time.

Q. Or at any time?

A. No, not at any time.

Q. Not to anybody?

A. No, sir.

Q. Did you ask Cronin how he knew that two men from the Branch had been definitely paid by Mr. Balsam?

A. I could have. I don't know for sure whether I did.

Q. You do not know. You are a police officer interested in a special investigation

A. I believe he has said so some
day were getting paid money.

Q. Now, Mr. Jones, just look at Issue
number eight of Exhibit one Defendant's Interrogatory
in a time or false statement:

"Mr. Cronin also increased on that
"he saw from the records and
"particularly been paid money to
"Mr. Salmon."

Did he tell you that or did he say
A. Yes, I would say he told me that,
sir.

Q. This is a correct report of what
Cronin told you?

A. Yes, sir.

Q. What did you do about it, did
you report it to any person?

A. Not at this time.

Q. Or at any time?

A. No, not at any time.

Q. Not to anybody?

A. No, sir.

Q. Did you ask Cronin how he knew
that two men from the records had been solicitors
paid by Mr. Salmon?

A. I could guess. I don't know
for sure whether I did.

Q. You do not know. You was a
police officer investigated in a special investigation

into corruption in the branch and you are told by a former sergeant he knows money was definitely paid and you do not ask him how he knows that?

A. I could have asked him but he didn't tell me or I would have made a note of it.

Q. You told us that he informed you of this. Don't you know whether you asked him the source of his information?

A. I would think I did, but he didn't tell me where he heard this, and that is why I didn't make a note of it atthe time in my book.

Q. And, having got this information which was right up the alley of your so-called investigation of the corruption in the force, you do not do anything about it at all?

A. No, sir. This is the start of investigating Constable Scott.

Q. You started on Scott but Cronin did not suggest Scott had anything to do with it?

A. No, sir, this was my own idea.

Q. I am going to come on later to your relationship with Scott but I want to get your relationship with Cronin now. It is just a coincidence, is it, that McDermott told Scott, so he has sworn, that Cronin was a partner of yours at one time?

A. I would certainly say -- because

we certainly were never a partner at any time.

Q Was not this idea of borrowing money because of some previous connection you had with Cronin?

A. No, sir.

Q. It would not be that Cronin was the man who tried to get you to supply information to the Thieves?

A. No, sir, absolutely not.

Q. We know he did that to Shrubb but not to you, apparently.

A. He certainly did not, sir.

Q. He did not act as intermediary at any time?

A. No, sir, at no time.

Q. And you knew nothing about his making money out of revealing information to gamblers?

A. No, sir, other than there was suspicion and gossip that he had.

Q. I want to go on to the question of Lamerie and Lawrence, and your relations with them. They were members of the squad with you. I suppose you knew them fairly well?

A. Yes, sir.

Q. Then, you had been given this information by Cronin that two men from the branch had been paid money by Mr. Balsom. Is that right?

so generously made during a partner on any time.

Q. Was not this idea of borrowing money because of that previous bankruptcy, and with Grundy

A. Oh, yes.

Q. It would not do with a person who has been used to get just he might influence to the business?

A. No, sir, absolutely not.

Q. He knew he did that to insure his interest in you, wasn't it?

A. He certainly did that, sir.

Q. He did not act as intermediary at any time?

A. No, sir, at no time.

Q. Did you have anything about his making money out of receiving information to business?

A. No, sir, never been there and employed and gossip that he had.

Q. I want to go on to the question of Lawson and Lawrence, and your relations with them. They were members of the house with you. I suppose you knew them fairly well?

A. Yes, sir.

Q. Now, you had been given this information by Grundy that he was from the council and been paid money by Mr. Eckstein. In what?

A. Yes, sir.

Q. Then, Scott stated to you, apparently you made no note of that fact at all, but on the 29th of February Scott according to your information, told you that he thought Lamorie and Lawrence were the tip-off men for Balsom in St.Catharines. That is on the top of page 7. When you met him in the Pilot Tavern on February the 29th, according to your diary. Your notebook, rather.

A. Yes, sir.

Q. And, so, now, Scott is suggesting that Lamorie and Lawrence were the tip-off men for Balsom?

A. That is correct, sir.

Q. This must have revived in your mind the question -- the information you had previously got from Cronin about Balsom paying men?

A. Yes, sir, it was along a similar line.

Q. And Scott also told you, I take it, without any contact so far as we know with Cronin, that it was at the bowling alley at St.Catharines that these monies were being paid or the contact was made between Balsom and these officers. Is that right?

A. Yes, sir.

Q. So, now, you had confirmation

Q. Yes, sir.

I have shown you an issue of June 1909 in this case, and on the page of Commonwealth exhibit 1 appears a letter from International, July ten, nineteen hundred and eighteen, which was signed by Mr. Ryan, the letter in question, that we are now discussing. Does it not appear from the letter that Mr. Ryan was in the state of Texas in the spring of nineteen eighteen, presumably in June, that neighborhood.

A. Yes, sir.

Q. And, so, you, sometime, since the magazine was issued and International made the Ryan-Gardner and Ryan-Gardner.

A. Just to correct, sir.

Q. Since that time, prior to the time the Commission — the Commission has established that the Ryan-Gardner Boxing Association paying money?

A. Yes, sir. It was paying a monthly tax.

Q. And those also note you, I take it, matters dealt with in connection so far as we can make out, that it was at the meeting which Mr. Johnson had been making arrangements and the counsel was there delivered matters and those matters.

A. Yes, sir.

Q. So, now, you had conversation.

of what Cronin said?

A. Yes, sir.

Q. And you knew -- at least, a very strong suspicion as to who the two men were. Is that right?

A. Yes, sir.

Q. And that would be on February the 29th?

A. Yes, sir.

Q. Did you do anything about that at all?

A. No, sir.

Q. Did you report that to any of your senior officers, that you had now got grave suspicion of what Cronin told you and what Scott told you, that Lawrence and Lamorie were making contact with a man by the name of Balsom at St.Catharines and receiving payments and tipping off people in the Peninsula?

A. No, sir, I didn't report to anybody.

Q. You reported to nobody?

A That is correct.

Q. And isn't this another occasion when your investigations into the squad were beginning to bear fruit?

A. Yes sir, that is correct.

Q But you did not see fit to mention this to anybody at all, except Scott?

Q. Have you been ... at Jones's a very
strong association as to who use two and water.

In cross examination:

A. Yes, sir.

Q. And that would be an Commercial
use.

A. Yes, sir.

Q. And you do appreciate exactly what
we mean?

A. Not yet.

Q. Are you prepared to say to the
jury because of Jones, that you can get enough
employment of water chemical with you and water
Jones with you, that Jamieson and Jamieson were
making contact with a man by the name of
Jones at Jamieson and Jamieson for using
the tipping oil product in the instrument?

A. No, sir, I didn't expect to
do so.

Q. You expected to convince
a. Jones to convince.

Q. And jointly this engineer accepting
what you convinced Jones the chief engineer
according to your family

A. Yes sir, that is correct.

Q. But you did not ask his to convince
this to employing an air, accept Jones?

A. That is correct, sir.

Q. Then, I want to go on to the night of May the 17th. That is the night on which, as I recall it, if I recall it correctly, you and Scott spent a considerable time at the Earl French Club. Is that right?

A. Yes, sir.

Q. And on that evening you were joined -- you stayed there until 11:30 p.m. and you were joined by Lawrence and sat in a car outside the club?

A. Yes. I believe we got into Constable Lawrence's car then.

Q. According to what Scott has sworn, at that time you discussed an outline of the arrangement of Constables Lamorie and Lawrence with the gamblers. Lawrence told you and Scott about the arrangement he had with the gamblers?

A. There was no discussion that I can recall at this time.

Q. No discussion that you can recall?

A. I believe this is the evening we had been drinking all day, sir.

Q. I am coming on to that. You told us before, at your evidence at page 5387, when you were -- Mr. Wilson was questioning you, and the following pages -- at page 5390 Mr. Wilson put to you an entry in Mr. Scott's diary,

A. That is correct, sir.

Q. Now, I want to go on to the

[illegible] of May the 17th. That is the August e-

[illegible], so I recall it, if I recall it correctly,

you and Scott spent a considerable time at the

[illegible] Club. [illegible]

A. Yes, sir.

Q. And on that evening you were

joined -- you always [illegible] 1:30 p.m.

[illegible]

[illegible] outside the county

A. Yes. I believe he [illegible]

[illegible]

Q. [illegible] [illegible]

[illegible] time you discovered [illegible]

[illegible] the [illegible]. Whereupon [illegible]

[illegible]

A. [illegible]

I can recall at this time.

Q. Do discussions [illegible] you [illegible]

[illegible]

A. I believe this is the evening

we had been [illegible] all day, sir.

Q. I am [illegible] at [illegible]. You have

[illegible] before, at your evidence at page [illegible], where

you were -- Mr. Nelson was [illegible], you,

and the [illegible] -- at page [illegible] Mr.

[illegible] [illegible] [illegible] [illegible]

which he swears was true, in which the following words were attributed to Lawrence: P.C.Lawrence and P.C.Lamerie were receiving $500 a month for patches, included in it is $200 from Joe McDermott for supplying information regarding a club. When you were asked about that question you said you did not recall it?

A. That is correct, sir. As a matter of fact, I don't recall any conversation that night. I don't know whether there was any conversation or not; there could have been or there could not have been.

Q. Had you sobered up by two o'clock in the morning of that night, when you phoned McDermott?

A. When I phoned McDermott?

Q. Yes, at two o'clock that morning?

A. I don't know whether I phoned McDermott or not.

Q. You don't know whether you did or not?

A. No, sir.

Q. You might have?

A. I could have, but I think at that time I would be more interested in sobering up.

Q. Sobering up enough at that stage to think it worthwhile to have a chat with McDermott, 2:00 a.m. in the morning, on the phone; is that right?

which he swore was true, in which the following words were attributed to Lawrence: P.S. Lawrence and Co. Limited were insolvent (Q.B. 4 Lewis for Plaintiff, Lawrence in it is from the Defendant). The existing information regarding a claim, since you were asked about this question, you said you did not recall it?

A. That is correct, sir. As a matter of fact, I don't recall my conversation that night. I didn't even mention Lewis was any conversation or not; there could have been or there could not have been.

Q. And you endorsed up by Jan O'Clock in the morning of that night, when you phoned Commodity

A. [illegible] a phone conversation.

Q. Yes, as Jan O'Clock then mentioned

A. I don't know whether I phoned Commodity or not.

Q. You don't know whether you did or not?

A. No, sir.

Q. You deny that?

A. I could deny, but I think at that time I would be more informed in answering up.

Q. Referring to Exhibit 24 that shows to whom it warranties to have a chat with Commodity, 2:00 a.m. In the morning, on the phone, do you recall?

A. I don't recall that particular night having any conversation with anybody that night, sir.

Q. If you do not recall this conversation but you are not prepared, you say:

" I don't recall that statement "being made at all.

"Q. You won't swear it was not "made?

"A. No, it could have been."

You think it could have been?

A. It could have been discussed because I don't know whether it was or not.

Q. I want to suggest to you, Wright, if you were honestly investigating corruption in the Force, the admission by Lawrence of the suspicions you had got against him from Cronin's statement would have been rather a sensational thing, it would have confirmed your suspicion of corruption on the force?

A. Sir, there was no admission to me.

Q. You say there was no admission?

A By Lawrence, that I can recall, at any time.

Q No admission. What you said it was, and I will read what you said before; at the foot of page 5090 Mr. Wilson put this question to you:

"Q. If Scott swears that it was "stated by Lawrence that he and Lamerie "are receiving $500. a month for "their patches, included in it is "$250. a month from Joe McDermott "for supplying information regarding "the clubs, do you swear that statement "was not made by Lawrence that evening?

"A. I don't recall that statement "being made at all, sir.

"Q. You won't swear it was not made?

"A. No, it could have been. I don't "know. I can't remember."

Might that statement have been made then?

A. It could have been, sir. As I say, I don't recall whether it was or not.

Q. You were sitting in a car with Lawrence discussing police talk, I think is your way of putting it?

A. I believe we had been discussing police talk in the club with other police officers in the club.

Q. I suggest to you, drunk or sober, this was rather sensational information that Lawrence was admitting. Scott is telling the truth. You say he was not receiving $500 a month with $200 from McDermott?

A. I would think it would be sensational if it were said, sir, but I don't

know whether it was said or not.

Q. I see. You do not know. Well, you are not sure whether you phoned McDermott at 2:00 a.m. that evening?

A. I would think I didn't phone him. I can't see any reason why I would phone him.

Q. I will suggest some reasons to you in a moment.

This is Scott, he has sworn to this:

D/ " During the time we sat in the "car talking, it was quite obvious "that P.C.Lawrence wants no interference "on the part of P.C.Wright in ~~xxxxx~~ "regard to his dealings with the gamblers. "He told Wright that the only reason "he had come to the club to discuss "this matter was because I . . . " - that is Scott -

". . . in my conversation with Joe "McDERMOTT, had suggested that perhaps "Lawrence, Lamorie and myself might "get together beeduse working apart "made me nervous. He further "told Wright that unless he could show him some usefull purpose He "could serve, he would not talk business "with him."

Was that -- Do you recall anything of that conversation, or were you too drunk, or it

did not happen or did it happen?

A. I don't know whether it happened or not. As a matter of fact, Scott was too. I don't know.

(Page 5825 follows)

C/1/GS

Q. Well, if it was said, that would be rather a concern to you, that you were not going to get money that you had been getting?

A. I had been getting?

Q. You were not serving any useful purpose in Belleville, were you?

A. I had not been getting any money, sir.

Q. You had not?

A. No, sir.

Q. You were not serving a useful purpose in Belleville, because you didn't have information in Belleville?

A. Oh, I don't know, sir, about that.

Q. Well, then, on the very next day, Scott has sworn that at 7:40 p.m., that day, he phoned Crescent 8-3783,"and the usual voice, Joe McDermott, answered. Our conversation was quite brief and it was stated that P.C. Wright had phoned him about 2:00 a.m. this morning, and was quite upset about P.C. Lawrence coming to the club the previous evening. He said that if Lawrence was going to be too aggressive he would not get a nickel from him." So, apparently - if Scott is to be believed - McDermott knew the next day that Lawrence had met with you, and you were upset about things Lawrence had said to you?

A. I don't know anything about that, sir. I would not know any conversation Scott

and McDermott.had. I don't know.

Q. Well, I am just telling you that Scott has sworn that McDermott told him of a conversation that you had at 2:00 a.m. the previous day, which would be a few hours after your conversations in the car with Lawrence and Scott. A few hours after that, according to this, McDermott said that Wright called him up in the early morning.

A. Well, Scott could have said that, I don't know, sir.

Q. You don't know?

A. No, sir.

Q. It could be true, then?

A. I don't know whether it is true or not, sir.

Q. I see. And were you upset about what Lawrence said?

A. No, sir, because I don't recall Lawrence saying anything, sir.

Q. I put it to you that Lawrence had been giving tip-offs and that you and Scott as you thought, were involved in giving tip-offs, and you wanted to work out an arrangement between you, and you were disturbed when Lawrence said you were not going to get any more money out of this?

A. No, sir.

Q. That is not so?

A. No, sir.

and sentimental.that. I don't know.

Q. Well, I am just telling you that [illegible] conversation that you had on 5.00 a.m. the previous day, which you'll [illegible] your conversations in the car with Jonson and Doyle. I few hours after that, according to them, Hohenwart said your judgment called him up in the early morning.

A. Well, Boone could have said that, I don't know, sir.

Q. You don't know

A. No sir.

Q. It could be true, there?

A. I don't know whether it is true or not, sir.

Q. I see. Did they you ever [illegible] your [illegible] year?

A. No, sir, [illegible] I don't [illegible] [illegible], sir.

Q. I put it to you that [illegible] and [illegible] [illegible], [illegible] not [illegible] you and [illegible] as you thought, were involved in [illegible] big-city, and you wanted to work out a [illegible] [illegible], and you were [illegible] when [illegible] and you were not going to go [illegible] out of [illegible]

A. No, sir.

Q. That is not [illegible]

A. No, sir.

Q. And it would be perfectly natural, I suggest to you, that you thought this a bit of an emergency, and phoned McDermott as soon as you could?

A. No, sir.

Q. Did you drive to Belleville that night?

A. I would think I did, sir, through the night some time.

Q. Yes. And you were on duty early that morning in Belleville?

A. Apparently I was, sir, yes.

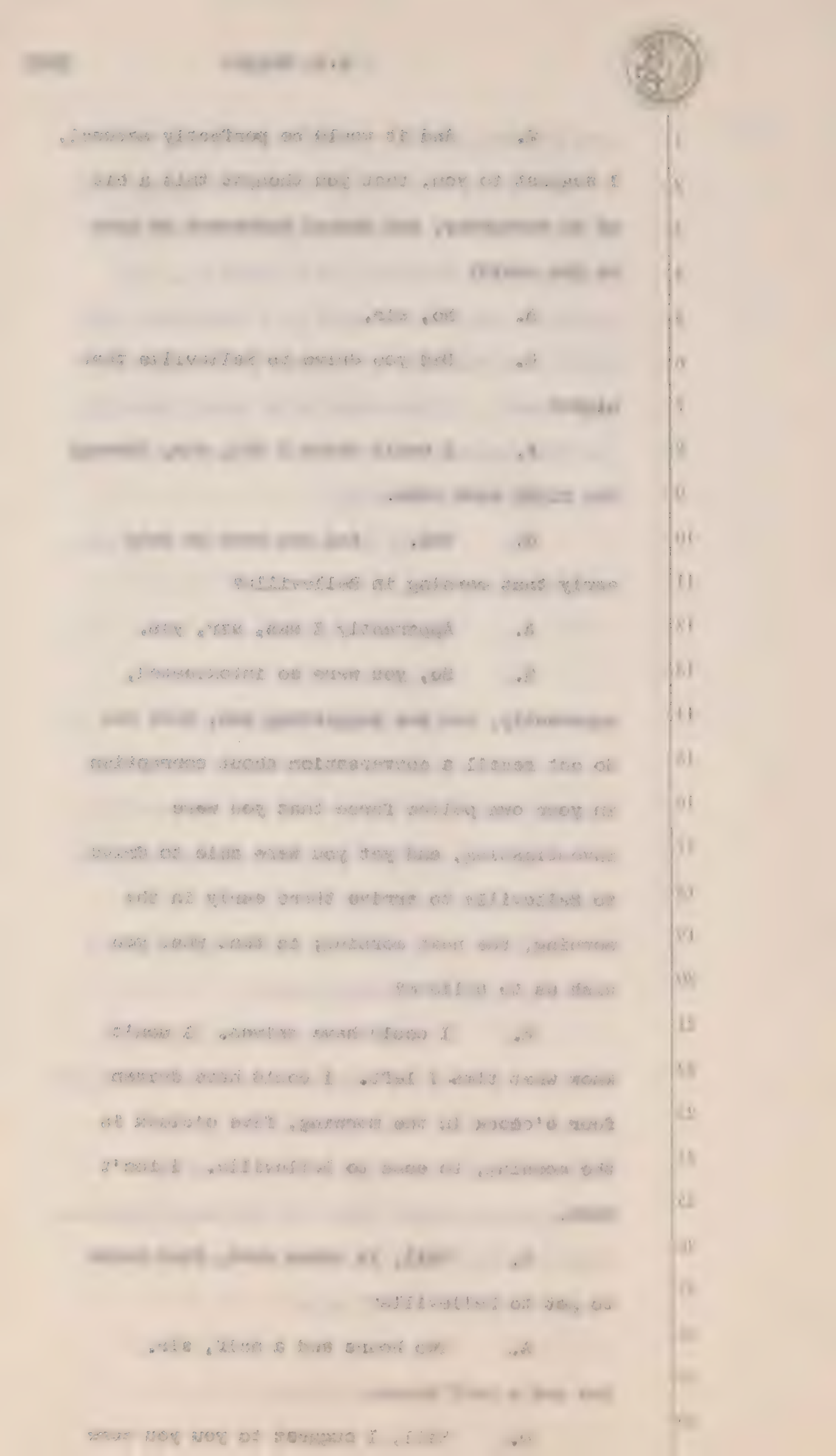
Q. So, you were so intoxicated, apparently, you are suggesting now, that you do not recall a conversation about corruption in your own police force that you were investigating, and yet you were able to drive to Belleville to arrive there early in the morning, the next morning; is that what you wish us to believe?

A. I could have driven. I don't know what time I left. I could have driven four o'clock in the morning, five o'clock in the morning, to come to Belleville. I don't know.

Q. Well, it takes what, four hours to get to Belleville?

A. Two hours and a half, sir. Two and a half hours.

Q. Well, I suggest to you you were



very anxious to get in touch with McDermott before you left for Belleville that night, and called him right away about this threat of Lawrence?

A. No, sir.

Q. No. As a matter of some interest, I am told that Mr. Cronin in an interview with the police denied telling ~~k~~ you anything? He denies telling you anything. He was lying to the police, was he?

A. I don't know what he told the police, sir.

Q. You don't know, but I say if Cronin has informed the police that he told you nothing about the money in his tip-off by Balsom, if he denies giving you any information like that to the police, he was lying?

A. I don't know whether he was lying or not, sir. I don't know.

Q. Well,you do know he would be lying if he said that, because you have sworn that he gave you detailed information, that you contacted him in Kingston at his motel, and he ~~fi~~ informed you of many things, told you about - I have read the passage before, about raiding Balsom in the Peninsula, and that he informed you two men from thebranch had been paid money by Balsom. Now, I put it to you now if Cronin denies giving that information to you, he is lying?

A. I would say he was, if he denied giving me that information, yes.

Q. Because he can hardly forget this conversation, it is not every day that you have a conversation, I assume, about knowing that two men from the branch have been paid money by an agent for a gambler. You say he did tell you that?

A. Oh, definitely, sir.

Q. And if he denies it, he is not telling the truth?

A. Oh, yes, sir. I would say that is a fact.

Q. Yes. I want to deal with your relationship with Scott for a minute. You had been a friend of his for a good many years?

A. Yes, he had been a friend of mine for a good many years, yes, sir.

Q. And a close associate?

A. Yes, sir.

Q. And a fellow officer on the same fairly small squad?

A. That is correct, sir.

Q. If I may put it to you, you had chummed around and worked together?

A. Yes, sir.

Q. And probably played together, and drunk together a little occasionally?

A. Yes, sir.

Q. Yes, and he was not responsible, I

Q. I would say he was, if he could
answer the that question, yes.

Q. Because he was acting [illegible]
this conversation, as he was saying [illegible]
you have a conversation, I assume, [illegible]
then two men from the Bureau have been [illegible]
[illegible] in Davis Cut a [illegible]. [illegible] may
be all well and [illegible]

A. Oh, definitely, sir.

Q. And if he denied it, he is not
telling the truth.

A. Oh, yes, sir. I would say that
is a fact.

Q. Then, I guess he was [illegible]
misunderstanding when [illegible] a [illegible]. He had
been a friend of his for a good long [illegible]

A. Yes, he had been a friend of mine
for a [illegible] [illegible].

Q. And a close [illegible]

A. Yes, sir.

Q. And a [illegible] on the [illegible]
[illegible] [illegible]

A. Does he [illegible], sir.

Q. If I may ask [illegible] you [illegible]
[illegible] [illegible] and [illegible]

A. Yes, sir.

Q. And [illegible] [illegible]
and [illegible] [illegible] a [illegible] [illegible]?

A. Yes, sir.

Q. [illegible] [illegible]

take it from your - as far as you know, for your transfer to Belleville, was he?

A. I believe he had something to do with it, sir.

Q. Why?

A. Because he was jealous. I can recall an incident when there was to be a promotion, and I was next in line for promotion, and he was quite jealous and upset that I should be made a corporal over top of him. He knew he had just as much right to be a corporal as I had.

Q. Well, did you feel resentment against him then?

A. No, I -- As a matter of fact, I have no resentment against him right now.

Q. Well, I suggest to you, Wright, that the only person you tried to investigate or implicate at all in your so-called special investigation was your friend Scott? Am I wrong?

A. Yes, sir.

Q. Who else did you investigate?

A. Sir --

Q. Anybody else?

A. --- I intended to. I started on Scott, sir. I intended to - expected by gaining his confidence, and through talking to him, that he would reveal the sources of information which he might have, or whether he

was in with McDermott himself and ---

Q. He is the ---

A. Pardon?

Q. He is the only one that in fact you investigated?

A. He is the only one I had time to, sir.

Q. Yes. I see. In the course of about three months' investigation?

A. That is correct, sir.

Q. Yes, and when you investigated him, I put it to you that you did not find that he had, before your discussions with him,

C/2 received any money from any gambler or been guilty of any corrupt practice?

A. I don't ---

Q. I am not talking about suspicion, about fact.

A. I don't know that. I don't know that to this day.

Q. No?

A. I do believe that he had his contacts in Guelph with Sylvestro. I still feel that.

Q. You feel suspicious of that, but you don't know?

A. No, I don't know.

Q. And you knew that long before you started this investigation?

A. A short time before, yes sir.

Not long before.

Q. So you then take this friend of yours, and you use your own money to corrupt him, is that right?

A. Sir, I didn't intend to corrupt him.

Q. What did you pay him money for? Was it not to corrupt him, to receive information, to hand on information to you with the idea in his mind, as you told him, it would go to the gamblers? Was that not corrupting him?

A. Not in my estimation it wasn't, sir.

Q. It was your suggestion to initiate this proposal?

A. Yes, I believe I did.

Q. And you paid the money?

A. Yes, I paid the money.

Q. You did not appreciate it was dishonourable for you to corrupt a fellow officer ---

A. I still --

Q. -- in that way?

A. I still do not think I corrupted him with any intent. I did not investigate him with the intent of corrupting him, sir.

Q. Well, I have some ideas as to how that was achieved, but nevertheless I put it to you that you were in fact corrupting him, when he had never, so far as you know, taken

money before for a corrupt purpose, and you handed him money, telling him that it was for information he was to supply to the gamblers?

A. No, sir. I still say I did not corrupt him.

Q. You didn't?

A. No, sir, I did not.

Q. Well, you were the first, then, to - as far as you know - to induce him to do a corrupt thing, and that was accept money from you?

A. I would saying during undercover investigations that we had both had, and our association with gamblers had been the same, in the same line, in the same line of duty, sir, and there were never any charges laid in those investigations. In fact, the gamblers were the ones that were charged.

Q. Didn't you trust him?

A. Didn't I trust him?

Q. Yes.

A. I didn't know whether to trust him or not, sir.

Q. Well, you did trust him, didn't you? You didn't think he was in communication with the -- with his superiors, with Sergeant Anderson, as it turns out to be the fact?

A. I didn't know, sir. He could have been, or couldn't have been.

Q. Well, you didn't think so, did you?

A. I didn't even give it a thought, sir.

Q. You didn't give it a thought, eh? Well, then, is this statement he made correct, when he says - he made this in the second report of February the 13th, 1960, in his second report, and item number - there are two items I want to read to you:

"P.C.Wright stated in so many words
"that once we had developed a
"trust between us, more information
"regarding gambling activities
"would be revealed to me."

That is to Scott. I take it that you were telling him then if he proved useful and trustworthy he would get more information?

A. Yes, I could have told him that. It would have been part of the undercover investigation.

Q. And the next one 'stated that the only way we could be caught was if one of us turned the other in.' Did you say that to him?

A. I don't recall saying that to him at all.

Q. Do you deny saying that to him? He has sworn that you did say it.

A. I do deny saying that to him.

Q. You do deny saying that to him?

A. Yes, sir.

A. I don't even give it a thought.

Q. You didn't give it a thought, did you, then, in this conversation in regard to the matter of a necessary use of a gun, Lord, or the second weapon, and then further - there was one thing I want to read to you:

"Q.Yeighs stepped in to say that

"that once we had developed a

"real business, then [illegible]

"[illegible] [illegible]

"would be revealed to me."

Does it ring a bell. I know it does you were talking him from it be revealed until and consequently he would get some information or

A. Yes, I would have to's in [illegible] to really know what's at the [illegible]

Q. And the word was "revealed that they may be willing to [illegible] you if we [illegible] up [illegible]?" Did you say [illegible] at [illegible]

A. I don't recall saying [illegible] [illegible]

Q. Do you recall saying [illegible] [illegible] [illegible] that you did say it.

A. I do recall saying that to [illegible]

Q. Did you [illegible] that to [illegible]

A. [illegible]

Q. Well, it was true, wasn't it? Supposing that you were corrupting, entering into this partnership to receive moneys from these gamblers, the only people, outside of the gamblers, who would know anything about it, the way you were arranging it, were yourself and Scott?

A. Well, Scott and myself would have known about the investigation, yes.

Q. So, there would have been no difficulty keeping this perfectly secret, unless, as you say, "one of us turned the other in"?

A. Yes, but I didn't say that, sir, so I don't know - no, I would say no.

C/S Q. He is lying. I see. Well, I suggest to you a good reason why you would say that is that you wanted to warn him of the dangers of one or the other turning the other in.

A. I didn't believe there was any danger, sir.

Q. You didn't. I see. Now, in regard to your notes, I just want to -- I think this has been covered before, but I just want to ask you one or two questions about this - this notebook that you made starting on January the 13th, about your special investigation. Was this intended to be an accurate and complete story of this special investigation you were making?

A. Into the squad and office of the Commission, yes, it was, to the best of my ability.

Q. Yes. But you have told us that none - your investigation consisted of almost constant telephone calls to McDermott following immediately after yourcalls to Scott?

A. That is correct, sir.

Q. Is there a word in this report, special report you made, about any contact with McDermott whatever?

A. No sir.

Q. And you have told us that some of the information attributed to McDermott that you gave, was in fact not given to you by McDermott, but some was? You did get, during the course of your conversations with McDermott, some information, didn't you?

A. Yes, I did, sir.

Q. Why didn't you record that in your special investigation?

A. Because, sir, I didn't know whether it was true or not.

Q. Well, as a police officer, did you not know that a partial report of an investigation of this sort is misleading?

A. Sir, as a police officer, I was always taught that gossip, innuendoes and suspicions of these things are not right.

Q. Well, now, Wright (sic) is lying when he says you told him you had been in contact with McDermott?

A. It appears that way, yes, sir.

Q. Yes, and I suggest now that this report, if it is supposed to be a report of your special investigation, was already a lying report, because it mentioned absolutely nothing about your contacts with McDermott?

A. It is absolutely not a lying report, sir.

Q. Well, why didn't you put it in, then? Wouldn't the officers you wanted to show the result of your special investigation want to know about your contacts with McDermott?

A. Sir, I was investigating the Anti-Gambling Squad and the office of the Commissioner at this time.

Q. Why were you hiding your conversations with McDermott?

A. I wasn't hiding them, sir.

Q. You weren't hiding them?

A. No, sir.

Q. Now, as a police officer, you say it is all right to lie, then?

A. Well, I would say - - - -

Q. Because you did lie? You told him you were not in contact with McDermott?

A. That is correct.

Q. And that was untrue, and you say under the circumstances it was a justifiable lie?

A. Absolutely, sir.

Q. Absolutely, and I put it to you that this report has been concocted some time or other, that it is a lying report because it does not set out the full scope of your investigation?

A. It is not a lying report, and it is not concocted, sir.

Q. I see. Well, I hardly thought that you would admit it, although I think it is fairly obvious. Incidentally, you did tell Wood something of your investigation?

A. I told him I was doing an investigation, that is all I did, and asked him to record some serial numbers of some money.

Q. Did you tell Wood at any time that you had some premonition or warning in advance that you might be arrested?

A. I don't recall any such thing at all sir.

Q. Are you sure that you did not tell Wood that?

A. No, sir, I didn't tell him that.

Q. Are you sure that you did not prepare this so-called notebook because you thought you might be arrested?

A. Am I quite sure?

Q. Yes.

A. I didn't prepare it because I thought I was going to be arrested, that is a day-to-day conversation.

Q. Why did you show it to your brother, then? What was the purpose of showing it to your brother?

A. Because, sir, I was going to ask him what he thought of it, and what I should do, because I was going to get some advice, I thought I should get some legal advice at that time.

Q. Is your brother a lawyer?

A. No, sir.

Q. What is his occupation?

A. He is a service man for Westinghouse Company.

Q. Service man?

A. Yes, sir.

Q. Does he know anything about police investigations?

A. No, sir. He couldn't understand it. When I showed it to him he didn't know what it was all about.

Q. He couldn't understand it. I suggest the purpose of showing it toyour brother was to have someone as a witness who could say that you had made up this report?

A. No, sir, that was not my purpose

when I showed it him, sir.

Q. What was your purpose? Getting legal advice from a service man?

A. To ask him what he thought of the investigation, because, as I say, I didn't know what to do at this point.

Q. Now, in the report of the 9th, the report of Scott, there is a reference I would like your help on. You have heard of Script Mitchell? This name has been mentioned here in this inquiry?

A. Yes, sir, I have heard of Script Mitchell.

Q Yes, and what have you heard about him?

A. I heard, I believe back in about 1958 or 1959, the man was missing.

Q. Yes. Did you hear anything about him running a fruit stand somewhere?

A No, sir, I didn't hear anything about him running a fruit stand.

Q. But you heard that he is supposed to be missing? He might still be alive?

A. No, sir. I don't recall. I believe that he is listed as a missing person in the police department.

Q. Well, this deals with the interview in which you met with Lawrence, the meeting on May the 17th at the Earl French Club, and in the

car outside Scott has sworn that you made the following statement:

"P.C.Wright felt quite bad about "the disappearance of Script Mitchell, "because he told McDermott that Mitchell "was talking too much, and McDermott "agreed. Wright said that he had heard "that Mitchell was still alive running "a fruit stand somewhere."

Did you make these statements?

A. No, sir, I didn't.

Q. Or anything like that?

A. No, sir, I didn't.

Q. You say that is a fabrication of Scott?

A. Absolutely.

Q. Absolutely?

A. There was discussion at the branch from the time he was reported missing, about his disappearance, and it was common knowledge amongst the squad that he was missing, and they thought the gamblers had done him in.

THE COMMISSIONER: Because he had talked too much?

A. I don't know whether it was because he talked too much.

THE COMMISSIONER: Well wasn't that the rumour?

A. I don't know how the - no, I don't

know what the rumour was, sir, that he talked too much or - - -

MR. BREWIN: Were you the person that told McDermott that Mitchell was talking too much?

A. Absolutely not, sir.

Q. Well, that is what - those are the words attributed toyou at that time, you felt bad about the disappearance of Mitchell, because apparently you thought by informing in a sense, and telling McDermott that he was talking too much, you might be responsible for his disappearance?

A. I couldn't care less, sir, about his disappearance.

Q. You couldn't care less?

A. No, sir.

Q. It is nothing to you that one gambler bumps off another one, I take it?

A. If I was in that line of work, yes, but we have a department that looks after that, sir.

Q. I see. Well, that is outside your department?

A. It is, yes, sir. Criminal Investigation is xxxx very efficient.

Q. The Homicide branch is outside your department?

A The C.I.B. is a very efficient organization that looks after that.

Q. It seems to me incredible that you would not be worried about the disappearance of Script Mitchell, but you say you were not worried at all?

A. No sir, No, sir, absolutely not.

Q. Now, you were very upset at being transferred from the force, were you not?

A. From the - -?

Q. Transferred to Belleville?

A. Yes, I was, sir.

Q. And resentment, you have said, had something to do with your deciding to enter on this special investigation?

A. Resentment?

Q. Yes, resentment about your transfer?

A. Yes sir, there was a little resentment, sir.

Q. And you also were critical of the way the branch was being run?

A. Yes, I was.

Q. And did you feel that in some respects that perhaps any faults or omissions on your part were justified because of laxity higher up?

A. What was thatquestion?

Q. Did you feel that any faults or omissions on your part were justified because of laxity higher up in regard to these particular clubs?

A. I don't understand your question.

Q. Well, I will read this to you, in your own - in your own report, explaining why you made this report you put this information in.

"Approximately 2 years ago Attorney "General Roberts granted 3 charters to "3 clubs, one in Windsor, one in Fort "Erie and one in Toronto Township. "He stated these charters granted by "his department to these clubs would "enable police to keep a closer check "on them. These charters were never "investigated by our branch even though "they were Provincial charters. I was "told by senior police officers that "it was government policy for our "branch in the O.P.P. to investigate "applications for club charters. "These charters were never given to us "nor did we have an opportunity to "investigate them."

Why were you regarding that in this special investigation?

A. Because it was true, sir.

Q. It was the truth?

A. Yes, sir.

Q. And did you feel discouraged then

in your own endeavours to enforce the law against the gamblers?

A. Yes, we all did, on the Anti-Gambling Squad at times, sir.

Q. You all did, I see. Was it possibly your discouragement had something to do with your subsequent actions?

A. Well, there were several things that started this investigation, sir. I mean it wasn't just that alone.

Q. No, that was one of the reasons, I take it?

A. Yes, sir.

Q. Now, I wonder if my friend has the notes of Inspector Graham's interview with this witness? (Obtains document)

In this statement - perhaps it should be filed, I think, sir, the statement this witness made at the time.

THE COMMISSIONER: Has it been filed? I thought it was not a statement.

MR. BREWIN: Oh, it is notes, I am sorry, sir. Should it not be filed?

THE COMMISSIONER: Well, I don't know. I haven't seen it.

MR. BREWIN: Yes. Well, it starts out by saying:

"I was mad at transfer without explanation."

Does it? will you agree with that?

A. Yes, sir.

Q. "Decided a leak was in the branch "so picked Scott because he was out "all hours - - "

And so forth:

"And a raid in his own home town - - "went sour. No one else knew about my "plan."

That, of course, was not true. You had discussed it with Cronin, hadn't you?

A. Yes, and my bank manager, yes, sir.

Q. So that was not correct, that statement?

THE COMMISSIONER: Well, you didn't discuss it with the bank manager with sufficient detail to enable the bank manager to know the nature of the investigation you were making?

A. That is correct, sir. I - just that I was doing an investigation.

THE COMMISSIONER: That might have been a legitimate investigation in the course of your duties, having nothing to do with investigating another officer?

A. Well, I feel this was a legitimate investigation, sir.

THE COMMISSIONER: But the bank manager didn't know that the investigation that you spoke to him about was an investigation of a fellow officer?

A. No, no, he didn't know that, no.

MR. BREWIN: And he says that you paid Scott, which was true and the:

"First payment was in February. I knew "then one who was crooked in the "branch."

Incidentally, it turns out that Scott was reporting immediately what you said and did to his superior officers, so he in fact was not crooked?

A. Well the fact that he always wanted me to give him more money, I came to the conclusion he was crooked, and he was interested.

Q. That was your conclusion at the time, if you had any idea about it?

A. Oh, I had indeed, yes, sir.

Q. Then, you thought he was crooked because you didn't believe he was handing on this information? That is right, isn't it? At this stage? You say:

"I knew then one who was crooked in "the branch".

That is Scott, to whom you paid the money?

A. Yes, sir.

Q. At the time that you thought that Scott was ~~xxk~~ taking the money for the sole purpose of enriching himself, by handing out tipoffs to the gamblers through you?

A. Yes, sir.

Q. Yes, and now you found out that is not true, that Scott was, rightly or wrongly, actually reporting what you did, and handing over the money that you gave him to his superior officers?

A. Yes, I know that now, sir, yes.

Q. You were wrong about that, then. Then: "I was doing on my own. No one

"one does."

No one knows about my investigation. Actually that is wrong, Wood knew about it, didn't he?

A Yes.

Q. "I intended to go to the

"Commissioner, A.G.'s Department,

"then if no results to C.C.F. leader

"MacDonald, but I didn't go to anyone.

C/5 "The money I paid Scott was my own.

"I thought I could recover from a fund

"in the A.G.'s Department."

You were taking quite a chance, weren't you, about recovering from the Attorney General's Department? You hadn't communicated with any of them whether they thought this a useful kind of investigation you were pursuing?

A. I recall sir, that one time that Corporal Shrubb had told me that there was an informant in Oshawa that collected, and he informed on the club and gave testimony, and Shrubb

told me that Anderson and him were going to try to get money from the Attorney General's, from the Law Enforcement fund to pay this officer.

Q. Surely that was in respect to an authorized investigation, it wasn't in respect to something taken without consultation with anybody at all?

A. Well, what do you call authorized?

Q. I put it to you, witness, that you were risking a lot when you put up a thousand dollars of your own money for this venture?

A. Sir, I did a lot of hard work on this squad, good work overthe years.

Q. I imagine you did at one stage, witness; and then this referred to your interview: "I have talked with Scott and "P.C.Lawrence in the Earl French Club "on Broadview Avenue since my transfer "to Belleville. I can't recall what "Lawrence said. Lawrence asked me what "I was doing being involved with Scott." So Lawrence certainly knew about your involvement with Scott?

A. He may have, sir.

THE COMMISSIONER: No, no, no. He did?

A. Well, I don't recall whether he did or not, sir.

THE COMMISSIONER: Well, you told us.

MR. BREWIN: Well, this is your statement:

"Lawrence asked me what I was doing "being involved with Scott."?

A. Well, as I say, that day I had been interrogated all day. Whether I made that statement, I don't know. I was quite upset.

Q. You said: "I was drinking - "don't remember too much about it. "I stayed at my mother's that night "I think. - 86 Riverdale."

Did you stay at that address?

A. I couldn't have, if I was on duty the next morning. I could have stayed there a couple of hours.

Q. "Never had any direct knowledge "that anyone in branch except Scott "was dishonest. Also Lawrence I "thought, from his association with "Scott that night. I suspect something "wrong in A.G.'s Department, but no "proof."

What is the basis of your suspicion that something was wrong with the A.G.'s Department?

A.There was the granting of the three charters, and Shrubb had told me that he had grave suspicion of the higher ups.

Q. I see. That is what you are referring to.

"Reasons I suspect is because we
"were told not to raid the club
"at Cooksville when we had made
"complaints to raid it. The club
"in Fort Erie, out of business now,
"we were told by A.G.'s Department
"not to raid it."
Was that a correct statement?
A. What was that again, sir?
Q. "The club in Fort Erie, out of
"business now, we were told by A.G.'s
"Department not to raid it."?
A. Well, that came from Shrubb, sir. That is where apparently our orders came from.
Q. "I was told by Sergeant Anderson
"where those orders came from."
A. Well, that is - - -
Q. What did Anderson tell you? They came from the Attorney General's Department?
A. Higher ups, sir, that is the way he always referred to it.
Q. "When Toronto Township took over
"the policing it was put out of business
"by their own force."
I suggest to you if you had this suspicion there was something wrong in the Attorney General's Department, that you would not go to the Attorney General's Department to report a special

investigation?

A. I would go to the Attorney General, I believe, sir.

Q. I see. Then:

"I hardly know Joe McDermott. I "never took a nickel from him. I "don't know any professional gamblers. "I have $2,000 in bonds in safety "deposit box, I think. I don't know "where second key to safety deposit "box is. I never called McDermott or "anyone else from Belleville, except "Scott. I don't remember what telephone "I called from. I don't want to say "anymore."

That statement:

"I never called McDermott or anyone "else from Belleville except Scott"

is a falsehood?

A. That is correct, sir.

Q. And you volunteered this falsehood, didn't you?

A. I think all along I was very hesitant about giving any statement, sir.

Q. I suggest that you volunteered this statement to cover up the fact that you had been in constant communication with McDermott?

A. Sir, I had nothing to cover up, sir, I felt, nothing at all.

Q. I see. Well, now - - -

THE COMMISSIONER: Now, do you want that entered as an Exhibit?

MR. BREWIN: Yes.

THE REGISTRAR: 169.

---EXHIBIT NO.169: Statement given by Wright on May 28th, 1960.

MR. BREWIN: Wright, you told my friend Mr. MacKinnon that at Mr. Rose's office the night before last, that you were commended or congratulated by McDermott on telling the truth?

MR. ROSE: No, that is not. With respect, Mr. Commissioner, that is not the evidence. I believe this witness said, my lord, that night he had received a phone call at his home.

MR. MacKINNON: No, no, he said at your office.

MR. BREWIN: Well, I guess I will have to look it up.

THE COMMISSIONER: My understanding is that it was at Mr. Rose's office.

MR. MacKINNON: That is right.

MR. BREWIN: Well, perhaps - - -

THE COMMISSIONER: Turn to the evidence. My recollection is that he was told at the office there was a phone message for him.

MR. ROSE: Well, that may be right, the call came from McDermott. I understood that my

friend said McDermott was at my office.

MR. BREWIN: Well, that is what I did say.

MR. SCOTT: He phoned him.

THE COMMISSIONER: I thought you said later on at night?

MR. ROSE: I thought he said later on at night.

MR. MacKINNON: Maybe he did have two phone calls. I only got one out of this witness.

MR. BREWIN: Well, in any event, he commended you for your evidence?

A. He didn't commend me for my evidence, sir.

Q. Well, he said that it was a great thing that the truth was coming out at last.

THE COMMISSIONER: Somebody was telling the truth.

MR. MacKINNON: That is right.

MR. BREWIN: Yes, is that right?

A. Yes, but he wasn't - I wouldn't call it commending me.

Q. Well, I put it Biblically, wasn't he saying, well done - - -

A. No, sir.

Q. - - thou good and faithful servant?

A. No, sir. No, sir.

Q. In other words, you had been putting up a good show for two or three days consecutive,

lying to this Commission?

A. No, sir, absolutely not.

Q. That is not what you would take from his words?

A. No, sir. In my mind, these two men are gamblers, and I still suspect they are gamblers, and what they do is their business. My story, I say, is mine, just mine.

THE COMMISSIONER: That is right.

MR. BREWIN: You told us earlier - - you told Mr. Wilson earlier, I think, that you were not interested in McDermott. Did you not say that?

A. That is correct.

Q. And you have also told us, I think, that you see nothing unreasonable that you, I think you said, you were inseparable from these men since the trial, it could be, or words to that effect?

A. Since we had been charged as co-conspirators, that is correct, sir.

Q. So since you have been charged as co-conspirators, you have been very close to them, or inseparable?

A. Well, when I say inseparable I don't mean we go to bed, or anything like that, sir.

Q. Well, I wouldn't suggest that, but during the day time you say you have been a lot of them during these trials, and discussed these matters?

A. We have discussed mainly the trial, our trial, sir.

Q. And your evidence?

A. Pardon?

Q. And your evidence?

A. All our trial - our trials, sir.

Q. And the evidence you were going to give to this Commission?

A. No, there was never a thing in detail, other than one night that Mr. - -

Q. I thought - - -

THE COMMISSIONER: Let him finish.

A. At Mr. Rose's office, when Mr. Rose had asked me to go down to his office when I was finished here, and I went down to the office, and he hadn't arrived yet, and Feeley and McDermott happened to be at the office, and they commented that reading in the paper, and they said it looks like you are telling the truth, and it is about time. Comments like that, and then when Mr. Rose came in he said there is a few points I would like to go over and he referred to me report. I don't know what report. I don't know what report he referred to, but he asked me whether I said this, and whether Scott said this, and McDermott and Feeley were there, because they were interested also.

C/6 Q. Well, that was just the other night? The night before last?

A. Oh, no.

Q. Some other occasion?

A. This was about a week ago, sir.

Q. Well did it not occur to you before commencing on any real discussion with these men it would be wiser to separate your defence from them, and not associate with them, or even with their lawyer?

MR. ROSE: Are you referring to the trial?

MR. BARWIN: No, I am referring to this.

MR. ROSE: Well, then, I object to that, Mr. Commissioner, because my friend is asking about their defence. My friend is taking the position that these men are here as defendants in front of you, sir. That is the first time that I have heard a suggestion of that nature. I understood that this was a Commission, but my friend is talking as though it were a trial, with people who are accused. That has always been my understanding in the matter.

THE COMMISSIONER: That is correct. Your understanding is correct.

MR. ROSE: But my friend says you should separate your defence. I don't see how he has got any right to say that.

THE COMMISSIONER: I understand you, Mr. Rose.

MR. BARWIN: Mr. Rose is perfectly correct.

I definitely said in the defence.

Did you not think it unwise to associate yourself with Gamblers in the presentation of your evidence to this Commission?

A. Since Mr. MacKinnon brought that up yesterday, sir, I certainly have.

Q. You certainly have?

A. I think we should at no time discuss this Commission at all, except just right here in the witness box.

Q. I see. Well, now, you used one phrase during your evidence that seemed to me to perhaps have just that little glimpse of truth in it. You said that Scott and McDermott had led you in these matters down the Primrose path. Do you remember that expression?

A. Yes, sir.

Q. Do you know the rest of the quotation?

A. No, sir, other than my - -

Q. Primrose path to the everlasting bon fire?

A. I recall it. Well, my idea of primrose path is maybe different than you, sir.

Q. Yes. Well, something that is descriptive of a gradual design of corruption?

A. Well, I don't know, sir.

Q. Is it true that - is it not true that McDermott is the one who has been responsible

I definitely said in the course.

Did you not think it worth to communicate verbally with Gordon in the prosecution of your evidence to this commission?

A. Since Mr. Southmann informed that my testimony, sir, I certainly have.

Q. You certainly ----

A. I think we should do so then

[illegible] the commission on all, except just some [illegible] in the Ottawa law.

Q. I see. Well, now, you have one passage during your evidence that seemed to me to perhaps have just that little slippage of [illegible] in it. You said that Smith and Hammond had let you in these matters down the Parliament Hill. Do you remember that expression?

A. Yes, sir.

Q. Do you know the work of the Parliamentary

A. No, sir, other than my - -

Q. Presumably you do the Parliamentary Library

A. I would it. Well, my idea of [illegible] work by major Government [illegible], sir.

A. Yes. Well, something that is [illegible] or a general design of [illegible]

A. Well, I hadn't been, sir.

Q. So it was just - so it was just that [illegible]. In one use who has been responsible

for leading you down this primrose path?

A No, sir.

Q. Not at all?

A. No, sir.

MR. BREWIN: That is all.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: Yes, Mr. Commissioner.

EXAMINED BY MR. ROSE:

Q. Mr Wright, when was your first trial, when yu were charged along with Feeley and McDermott, charged as attempting to corrupt Scott? Do you recall when that was? When the trial was?

A. I think it was May of 1961, sir.

Q. I see. How long did that trial last?

A. Approximately two weeks.

Q. And I believe the verdict of the jury was that the three of you were found not guilty?

A. That is correct, sir.

Q. Subsequently the special Crown Prosecuter, Mr. Ford, proceeded with other charges on the indictment?

A. That is correct, sir.

Q. And the second trial took place a short time ago?

A. That is correct, sir.

Q. And wereyou also at that time jointly charged with Feeley and McDermott?

A. Yes, sir, I was.

Q. And when did that trial take place?

A. March of this year, sir.

Q. March of 1962?

A. Yes, sir.

Q. I see. And how long did that trial last?

A. About two weeks, sir.

Q. And at that particular time you were found guilty on another charge?

A. Yes, sir.

Q. Yes, and I believe that you and Feeley and McDermott have filed notices of appeal in that matter?

A. Yes, sir, we have.

Q. Now, in your second trial, did Sergeant John Anderson give evidence?

A. Yes, sir, he did.

Q. Were you present at the time he gave evidence?

A. Yes, I was.

Q. Do you recall during that second trial, Sergeant Anderson being cross-examined

9. Are the sound waves pleasant

A.Every time Lady

A. Look in country, etc.

B. And sometimes also at that time

Quickly consider only having you (Commonly)

A. They pity, I mean.

B. Are most are that until that

Phone!

A. Branch of this place, etc.

B. Branch of Lady

A. Yes, etc.

B. I see. And how long did that

Cross Lady

A. About one season, etc.

B. And at that particular time you

have had policy in middle-range

A. Yes, But.

B. Yes, and I believe that you are

forming and increasing have field business of

equal in fact society

A. They, why, we know.

B. Yes, My year second years, all

frequent also commonly live privately

A. Yes, etc, he die.

B. When you pressure at the time

of year-statement

A. Yes, I know.

B. Do you usually meeting that second

and third, regardless concerned being cause-consumer

as to whether, during the time you were on the Anti-Gambling Squad, that a letter of commendation had been sent to you?

A. The question was asked him, and he denied that. - that such a thing ever did exist, and went on further to say that he had been on the force apparently for 14 years, and he never received such a - such a citation.

Q. He denied to the - to the jury that you had ever received such a commendation?

A. Absolutely he did.

Q. I see. Do you have a letter of commendation on your person this morning?

A. Yes, I have, sir.

Q. May I see it, please?

(Witness produces document)

Mr. Commissioner, the witness is producing a letter dated August the 5th, 1958, on the heading of the Ontario Provincial Police. It is a very short letter. If I may read it, I will mark it as an exhibit, Mr. Commissioner.

THE COMMISSIONER: From whom?

MR. ROSE: From Sergeant J.M.Anderson.

THE COMMISSIONER: To whom?

MR. ROSE: Memorandum to Provincial Constable R.J.Wright, Anti-Gambling Branch,

"Re Break enter and theft

"Ontario Northland Railway Station

"Iroq.

1 " Iroquois Falls, May 23, 1958.
2 " I am happy to advise you that
3 "a letter of commendation has been
4 "received on your behalf from Mr. W.
5 "H.Clark, acting commissioner, in
6 "connection with the marginally
7 "noted investigation.
8 " District Inspector Crozier
9 "reported to Chief Inspector W.M.Franks
10 "of the C.I.B., with regard to your
11 "brilliant performance which brought
12 "gratifying results attributable
13 "to your untiring efforts.
14 " The Chief Inspector passed this
15 "on to the Commissioner adding that
16 "the duties performed by you were
17 "worthy of special mention.
18 " The Commissioner wishes you
19 "to be made conversant with these
20 "reports and expresses his personal
21 "appreciation of a job well done.
22 "To all of this might I add my
23 "congratulations on your success in
24 "this piece of work and my pleasure
25 "in the fact you have distinguished
26 "yourself and done credit to the branch
27 "of which you are attached.
28 " J.M.Anderson, Sergeant in charge
29 " Anti-Gambling Branch."
30

THE REGISTRAR: No. 170

---EXHIBIT NO.170: Letter dated August 5th,1958, from J.M.Anderson to R.J.Wright.

MR. ROSE: And is that the letter that Sergeant Anderson under oath denied the existence of?

A. That is correct, sir.

Q. Now, may I take you back, Mr. Wright, to 1954, when you have told us about your first contact with Vincent Feeley. That was in respect to a car that had been damaged. Was that 1954?

A. Yes, sir.

Q. Yes. 1954. That is when your car had been damaged, Mr. Feeley came to your home?

A. That is correct, sir.

Q. I think you gave evidence concerning this, did you not?

A. Yes, I believe so.

Q.I am told that Mr. Shrubb gave evidence concerning it. Now, did you provide me with the copy, your own personal copy, of an Ontario Provincial Police Report, dated October 1st, 1954, in connection with this matter?

A. Yes, sir, I have.

Q. What happened to the other copies?

A. There would be a copy in the office

of the Commissioner, there would be a copy, I believe, kept in the office of the Anti-Gambling Squad, there would be a copy to myself, and possibly a copy would go to Staff Inspector Tomlinson. Now, I am not just sure.

Q. This is your own personal copy that you kept in your own personal records?

A. Yes sir.

Q. Where have you been keeping this copy for the last few years?

A. I had kept that along with other reports and investigations in a box.

Q. What box?

A. The box that was in my apartment in Belleville, sir.

Q. Is that the same box that you have mentioned before that the - would that be the box in the stairway - in the closet under the stairway?

A. That is the same box, sir.

Q. When you brought this with you, where did you bring it from?

A. Out of gh that box, sir.

Q. I see. Now, I wish to refer to paragraph 4 of your report, and this is your first report. There are evidently two, a first report, and second and final?

A. Yes, sir.

Q. All right. Your first report,

[illegible]
of the Commissioner, there would be a copy, I believe. Left in the office of the Anti-Smuggling Squad, there would be a copy to speak of, and possibly a copy held at the Port Commissioner [illegible]. Now, I am just guessing.

Q. Does it seem probable that when you left it in your own personal safe?

A. Yes sir.

Q. Where have you been keeping this copy for the last few years?

A. I had kept this along with every [illegible] in [illegible].

Q. Just now?

A. The last time was in my apartment in Jacksville, etc.

Q. In that the same box that you have mentioned before that the - would that be the box in the safe - in the closet under the stairs?

A. That is the same box, sir.

Q. Did you brought that with you, where did you bring it from?

A. Out of my [illegible], sir.

Q. I see. Now, I want to refer to paragraph 4 of your report, and this report [illegible]. Where did [illegible] Mr. Kiddy [illegible] report, as second one [illegible]?

A. Yes, sir.

Q. All right. That first report.

in para_graph No. 4, you said - - -

THE COMMISSIONER: What is the date of it, please?

MR. ROSE: I am sorry, my lord, I thought I had mentioned it. October 1st, 1954.

THE COMMISSIONER: October 1st, '54?

MR. ROSE: 1954. This is the first report, Mr. Commissioner. In paragraph 4:

Tuesday, September 28th, 1954.....

".....police car."

---(This quotation will appear as Appendix A in Volume 29)

MR. ROSE: Now, stopping there, with respect to that clause 'And the rest of the discussion, which took place on the street; when was the amount of $200.00 first referred to by Feeley?

A. Well, I would say on the street, sir.

Q. Was it not while you were at the door?

A. Sir, he didn't want to talk when he was standing at the door. He asked me -- I tried to get him to come into the house, but he wouldn't come into the house. Cpl. Shrubb was hidden in the stairway.

Q. How far from the front of the house was Cp. Shrubb hidden?

A. Oh, maybe about 30, 40 feet, sir.

(page 5855 follows)

D/1/WC

Q. 30 or 40 feet?

A. Yes, sir, I am just guessing.

Q. Could Corporal Shrubb at any time hear the discussion between you and Feeley concerning the amount of $200?

A. Oh, I don't think so, sir, we were on the street. In fact, I think I was in his car, sitting in Feeley's car with the door open, I believe.

Q. You say in the course of the discussion that took place:

"On the street I was asked to be

"seated in Feeley's car."

First you refused, and then you went in and left the door open with the dome light on?

A. Yes, so Shrubb could see from upstairs if anything transpired.

Q. You say this was so Corporal Shrubb could see any movements that took place. Just where was Shrubb at this time?

A. Upstairs looking out the front window, I imagine.

Q. When you sent this report in, and signed it "R.J. Wright, 2438", did Corporal Shrubb have any chance to read it over before you sent it in?

A. Corporal Shrubb and I both made that report together.

Q. You made that report together?

A. Yes, sir.

Q. And when this report was finished did he have any objection to the contents of it?

A. No, he did not.

MR. ROSE: May I file that, Mr. Commissioner?

THE COMMISSIONER: Is there a second report you are going to file?

MR. ROSE: There is a second report, it is very short. It is dated October 8th, 1954, in connection with the same incident, and it is headed: "Second and Final Report". And this report refers to the settlement of the damages at the Yonge entrance of the T. Eaton Company Limited, and the amount was $80.17, per an itemized statement that had been prepared.

THE COMMISSIONER: The two of them together, make them one exhibit, 171.

THE SECRETARY: 171.

---EXHIBIT NO. 171: Two reports.

MR. ROSE: Q. Now, Mr. Wright, let me deal with another matter I believe you told both Mr. MacKinnon and Mr. Brewin ---

THE COMMISSIONER: Are you going to be very long?

MR. ROSE: I would say half an hour.

THE COMMISSIONER: Ten minutes.

MR. MacKINNON: Mr. Commissioner, before

we adjourn, if I could say something. I think the best way to kill this sort of thing is to publicize it.

In the middle of Mr. Brewin's cross-examination I received a telephone call from an individual, whom I do not know, and whose name was handed to me - I have given the name to Inspector Graham, and he has talked to him. Apparently whoever sent this individual a letter felt he had some information ---

THE COMMISSIONER: Whoever what?

MR. MacKINNON: Whoever sent this individual a letter -- this individual sent a letter, I do not like to mention any names. Apparently he received an anonymous letter at his office before he got there, which apparently was concocted by cutting portions out of the newspaper and pasting it to the paper. And the effect of it was that he was too -- I might add this is a portion:

"Tell Liberal counsel, B.J. MacKinnon,
"to lay off Royal Commission or else
"we get --"

and then certain people are named, whom I do not wish to name now.

". . . we get these people but good."

And I thought the best way of killing this sort of thing is to publicize it immediately so no one would get any ideas that this sort of thing was in any way effective. So, I

thought, Mr. Commissioner, I should tell you about this without mentioning further this young man's name who telephoned me, or the names of those who"are going to get it, but good". I thought, as I say, the one way of killing this sort of silly nonsense is to publicize it immediately. And that is what I wish to do, sir. I will show you the rest of the letter in the adjournment.

THE COMMISSIONER: You are not to talk with anyone during this recess.

THE WITNESS: Yes, sir.

---Short recess.

MR. ROSE: Thank you, Mr. Commissioner.

Q. Now, Mr. Wright, during the course of your evidence of the last few days, I have noticed on several occasions you had something to say about a raid that went sour in Guelph, and I believe you mentioned Scott's name in connection with that. Do you recall saying those things?

A. Yes, sir.

Q. Would you kindly explain to me what possible connection Scott had with any raid that went sour in Guelph?

A. You mean possible connection?

Q. Yes.

THE COMMISSIONER: Q. Where was the raid to start with?

Sargent, Mr. Commissioner, I should call you [illegible] [illegible] [illegible]

A. The raid was on the premises -- I don't remember the name of the street.

Q. Whose premises was it?

A. The premises by the name of Sylvestro. And that is the time, I believe, I had raided in Toronto. I don't recall just who the officers were on that raid at Guelph.

MR. ROSE: Q. Was Constable Moore one of the officers - Corporal Moore?

A. I believe he was, sir.

Q. Yes.

A. And apparently when they arrived at the premises, which was an alleged bookmaking premises, the doors were open and one of the Sylvestros - I don't know which one - was standing on the veranda more or less waiting for them, laughing.

THE COMMISSIONER: Q. Is there more than one Sylvestro?

A. There are two brothers. There is Sam ---

MR. ROSE: Q. Frank and Sam Sylvestro?

A. Yes, sir.

THE COMMISSIONER: Q. Whose premises was it then, Frank or Sam's?

A. I believe it was Sam's. I am not sure whether it was Sam or Frank, or both owned the same place.

THE COMMISSIONER: All right.

THE WITNESS: It is a house.

MR. ROSE: Q. Did Constable Scott to your knowledge ever take part in any raids in Guelph?

A. No, he did not, sir.

Q. Was there any reason for that?

A. I don't recall if there was any reason, he just didn't want any part of any raids in Guelph.

Q. I understand Constable Scott came from Guelph and was raised there?

A. Yes, sir, he was.

Q. As a matter of fact, I see by your diary, notebook, or copy of it, page No.2 ---

THE COMMISSIONER: Which diary are you talking about, the private diary?

MR. ROSE: I am sorry, Mr.Commissioner, the witness's diary or notebook at page No.2.

Q. I see that you have notation there that P.C.Scott originates from Guelph, his parents and family live in a house which is owned by a mother-in-law of Frank Sylvestro, she pays rent to Sylvestre's mother-in-law.

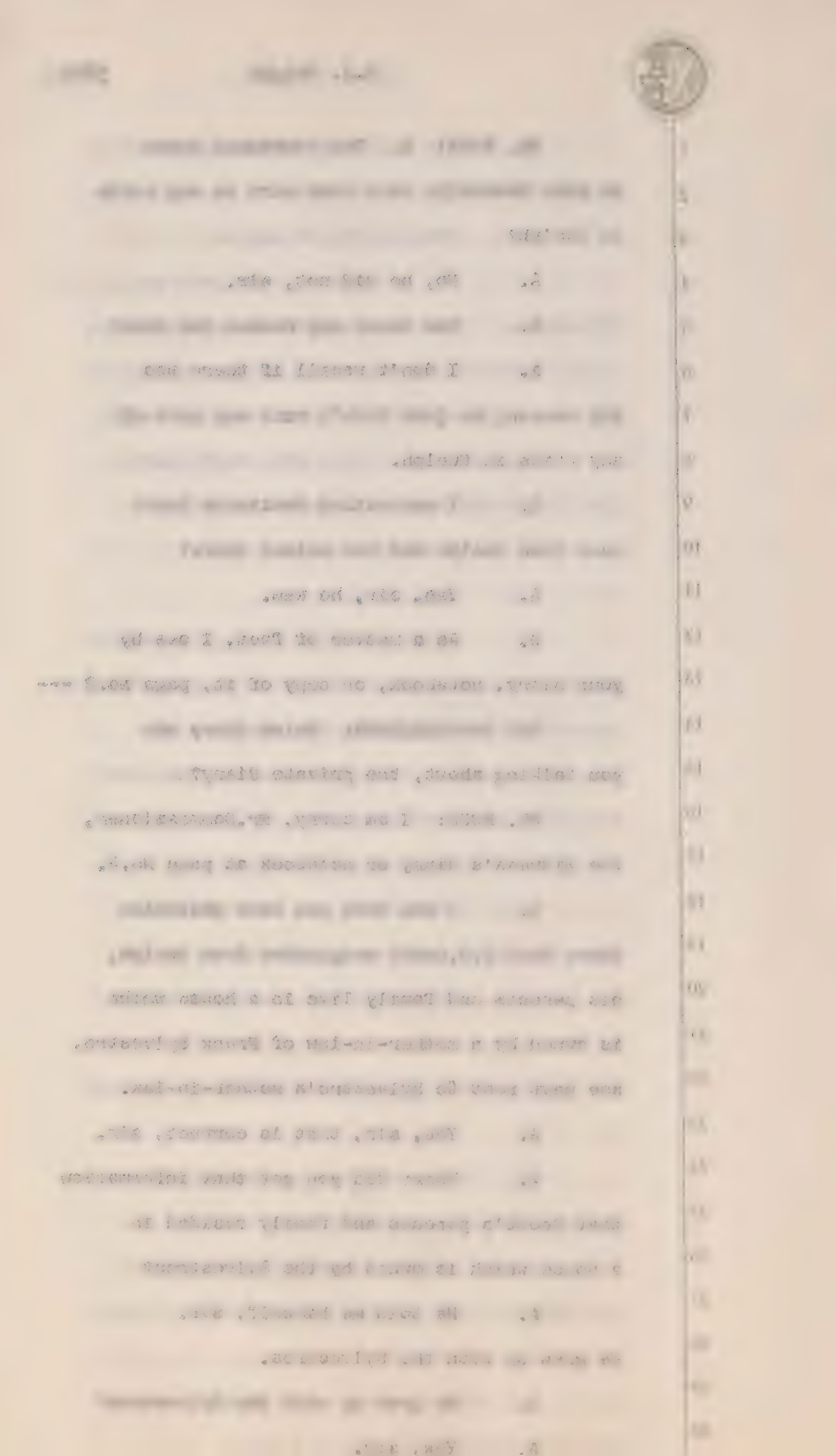
A. Yes, sir, that is correct, sir.

Q. Where did you get that information that Scott's parents and family resided in a house which is owned by the Sylvestros?

A. He told me himself, sir. He grew up with the Sylvestros.

Q. He grew up with the Sylvestros?

A. Yes, sir.



Q. Is he a close friend of the Sylvestros as far as you know?

A. As far as I know, he is, sir.

Q. Did he ever give you any indication that he took any part in raids in Guelph?

A. No, other than he just didn't want to, that I recall.

Q. Did you have any suspicion about Scott's connection with Sylvestro at all?

A. Not until this raid went sour, sir.

Q. I see on the same page of the diary, Constable Moore, the other officer at the raid, "Both S. Sylvestro and Frank Sylvestro were on the premises with the door open and laughing".

A. Yes, sir, I believe Constable Moore told me that, sir.

Q. Now, you mentioned, Mr. Brewin was asking some questions a few minutes ago, something about a law enforcement fund where somebody in Oshawa was paid some money. Is that what Corporal Shrubb told you?

A. Yes. I don't know whether the money was ever paid, but he said they were going to try and get some money from the law enforcement fund to pay this man.

Q. According to what Shrubb told you, was this man an informer or a witness at the prosecution?

A. He was an informer and also a witness at the prosecution.

Q. Did Shrubb tell you what amount he was trying to get?

A. I think he said he should have been paid around $500, I believe, sir.

Q. From the law enforcement fund?

A. Yes, sir.

Q. And you say that the law enforcement fund is administered through the Attorney-General's Department?

A. My knowledge of it, it is, yes, sir.

Q. Now, the incident, Mr. Wright, that on an occasion you and Corporal Shrubb, and I believe another officer, had occasion to go to Peterborough?

D/2 A. Yes. Yes, sir. We were in Peterborough several times, sir, on different investigations.

Q. The time I am talking about is the time you ended up in the steam baths. Do you recall that occasion?

A. Yes, sir.

Q. Did you see Inspector Stringer while you were there?

A. Yes, I believe -- I am just trying to remember now. There was a time Shrubb, Stringer and Corporal Clark were coming out of the steam bath together. When we had first gone there to Peterborough, this other

officer and myself, Shrubb told us to find something else to do, he had to speak to Inspector Stringer. And Inspector Stringer was in the steam baths at the Y there, I believe, in Peterborough. He went in the Y and we left him there and joined him there later.

Q. Did he indicate what he wanted to speak to Stringer about?

A. I believe there was -- When they were leaving the steam bath there was a remark about Shrubb's promotion, about Shrubb being promoted to Sergeant.

Q. Who made that remark?

A. I can't recall at that time who made the remark, whether it was Shrubb or Clark, Sergeant Clark, or Inspector Stringer, one of the three.

THE COMMISSIONER: Q. Who was Sergeant Clark?

A. He was the staff sergeant at Peterborough.

Q. Not to be confused with Commissioner Clark?

A. No, sir, this was a different man.

THE COMMISSIONER: I don't get it yet.

MR. ROSE: Sergeant Clark, Mr. Commissioner.

THE COMMISSIONER: I know there is a Sergeant Clark down there, he just told me. I don't know what he is trying to tell me about this meeting in Peterborough.

MR. ROSE: As I take it from the witness, one of the three people, Stringer, Clark or Shrubb, coming out of the steam bath mentioned about Shrubb's promotion.

THE COMMISSIONER: Well, what about it?

MR. ROSE: Q. Let me ask about this, Mr. Wright. Did you ever have any discussion with the then Corporal Shrubb about a posting of his to the Peterborough district?

A. He had indicated on different trips we had been on that he would like to be the Sergeant at Peterborough, and I believe he told me he had an opportunity to be a Sergeant at Peterborough.

Q. Do you recall what date this would be approximately?

A. It would be before, it would be before he had been --- left the Force, and gone there as Inspector with the Peterborough Police Department. I can't just say when it was. It might have been '57 or '56, I am not sure when it was.

Q. Now, if we can refer to Scott's eighth report, the third page of that report, dealing with Sunday, May 8th, where you are alleged to have had a meeting with Scott at the corner of Pape Avenue and O'Connor Drive about 11:15 in the morning. And paragraph (I) states, Scott says that you told him that Peeley tried to take out Miss Mather ---

THE COMMISSIONER: Now, please don't mention the name.

MR. ROSE: Q. Feeley tried to take out Miss Somebody. I believe you said that you denied ---

THE COMMISSIONER: Just a moment. I would ask the press if they are reporting this not to mention the name of this young woman.

MR. ROSE: Q. Do you know this person?

A. Yes, I do.

Q. Now, perhaps you could correct me if I am wrong. I am suggesting to you that this person, this lady, is somewhere between 60 and 70 years of age; is that correct?

A. Yes, it would be an elderly woman, sir.

Q. And you are alleged to have told Scott that Feeley was trying to take her out?

A. That is what Scott says, yes, sir.

Q. Now, you were telling Mr. MacKinnon and Mr. Brewin concerning allegations made at page 8, Scott's report, under date of Sunday, March 13th. That would be sub-paragraph A. This is the time you were alleged to have met him in the Bel-Air Motel, that is Scott. Sunday, March the 13th, at page 9 of that report.

THE COMMISSIONER: Page what?

MR. ROSE: Page 9.

Q. It was alleged that certain general discussions took place, Mr. Wright, amongst them one set forth in paragraph A, that a person by the name of Niccoletti, from the United States, controls the Ramsay Club at Niagara Falls, and that Niccoletti is an agent for one of the principals of the Mafia. Do you recall that discussion?

A. Yes. I don't recall whether it was this night or not, sir. I do recall there was a discussion about, about the Ramsay Club.

Q. Well, now, I believe you also mentioned that this principal of the Mafia that Niccoletti was the agent for, was Joe Montana, or John Montana?

THE COMMISSIONER: He didn't say that. Let me see that report.

THE WITNESS: No, sir, I believe it was a man -- there was another man's name mentioned, because Niccoletti's name was on this brief, and he was an agent ---

THE COMMISSIONER: Q. Would you listen to the question here.

MR. ROSE: Q. Did you mention that this principal of the Mafia was a Montana?

THE COMMISSIONER: Mentioned it where?

MR. ROSE: During the course of this evidence here.

THE COMMISSIONER: No, he did not. Just

a moment. You didn't say that Montana was the member of the Mafia who was supposed to be in jail?

A. I don't believe -- I do recall referring to a Montana.

Q. Not as a man who was in jail?

A. No. But I think this man Montana was in jail. I recall the New York State police telling me he was in jail.

MR. ROSE: Q. This subparagraph discloses, and did say:

"Niccoletti, who is an agent for
"a principal of the Mafia, who
"is presently serving a jail term
"for participating in the Apalachin
"meeting."

A. I read ---

THE COMMISSIONER: I am familiar with that, but I haven't located it yet. Sunday?

MR. ROSE: Sunday, March 13th, sir.

THE COMMISSIONER: Just a moment until I get it.

MR. ROSE: Subparagraph A.

THE COMMISSIONER: Just a moment. I have it now, thank you, Mr. Rose.

MR. ROSE: Q. And I ask you, didn't you at a later time, or at about that time when you were questioned, you had conversation with the New York State police special intelligence section?

A. Yes, sir.

Q. And did you not say at that time ---

THE COMMISSIONER: At what time?

MR. ROSE: When he was giving his evidence concerning his conversation with the New York State police, special intelligence section.

Q. Did you not say at that time that your information was that Mr. Montana was the one who owned the Fort Erie racetrack?

A. Yes, owned the property.

Q. Owned the property?

A. Yes.

Q. Yes. Is that the same Montana who was a shareholder and director of the Ontario Jockey Club along with Mr. Taylor ---

THE COMMISSIONER: Do you know?

A. I don't know whether it was or not, sir, whether it was the same Montana or not, sir.

MR. ROSE: Q. You don't know that this Montana was a director and officer of the Ontario Jockey Club at this time?

A. No, sir. It was told to me that he was in the rackets in the United States, but that he had held the property that the Ontario Jockey Club owned -or bought. I believe they bought it off him in Fort Erie.

Q. The Jockey Club bought the Fort

Erie property from him?

A. Yes, sir.

Q. You don't know whether or not this is the same Montana who was an officer and director of the Ontario Jockey Club at that time?

A. No, sir, I don't know that, sir.

Q. When you say in paragraph A:

"Niccoletti is agent for one of
"the principals of the Mafia who
"is at the present time serving
"a jail term for participating
"in the Apalachin meeting"

I suggest to you the person they were talking about was Montana ---

THE COMMISSIONER: Q. Do you know?

A. I don't know for sure. It could be it was the same man.

Q. It might be anybody else who was at the Apalachin meeting?

A. It could be, sir, I don't really know, sir.

MR. ROSE: Q. As far as the Ramsay Club is concerned, as I understand from the evidence, the Ramsay Club originally came from Fort Erie, was originally named the Lorelei Club?

A. Yes.

Q. Was it changed to the Ramsay Club and the charter subsequently moved to

Have [illegible] time [illegible]?

A. Yes, sir.

Q. You don't know whether or not this is the case [illegible] or not?

A. No, sir, I don't know that, sir.

Q. When you say in parenthesis or "Guilbert to report for duty at [illegible]" "Can prepare for the Navy and [illegible]" "Do not [illegible] [illegible]" "I just came for particulars" "In the Association meeting" I suppose to you the person that was talking about was Johnson ---

[illegible] Q. Do you know [illegible]

A. I don't know [illegible] [illegible] [illegible] to it was the same man.

Q. [illegible] the meeting at which [illegible] as the Association secretary?

A. It could be, sir, I don't really know, sir.

Mr. Wright: Q. As far as the money that is concerned, or I understand from the witness, the money [illegible] originally came from your [illegible], was originally moved [illegible] [illegible]

Mr. [illegible]

Q. Was it changed to the Saxony [illegible] and the counter [illegible] [illegible] to

Niagara Falls?

A. I believe it was.

Q. The premises of the Lorelei Club, which became the Ramsay Club in Niagara Falls, was it not on the grounds of the Fort Erie racetrack, or immediately adjoining it?

D/3 A. Yes, I believe they bought the -- the Jockey Club or the Fort Erie racetrack bought that property where the club was.

Q. From Mr. Montana?

A. Yes, that is my understanding of it, sir.

THE COMMISSIONER: Q. You do know, or do you know?

A. Just what the New York State police told me.

Q. No. That the Montana was at the Apalachin meeting?

A. Yes, he was the Montana. Apparently he was prominent in Buffalo as an Alderman, I think.

MR. ROSE: Q. If I might perhaps ask you, I think it is a matter of public knowledge, Mr. Montana was a prominent man in Buffalo and one time the citizen of the year, and had his photograph - if I may finish - had his photograph on the front of Time magazine. After that he was one of the people picked up at the Apalachin meeting, and I believe he was sentenced to five years and $10,000 fine, for

failing to tell the F.B.I. why he was there. That was the famous conspiracy of silence charge. And subsequently the Federal Court of Appeal acquitted everybody who had been charged.

THE COMMISSIONER: That is right.

MR. ROSE: Q. Is that the Montana the New York State Police special intelligence division told you about?

A. That would be the one.

Q. And that was the man who owned the Fort Erie racetrack ---

THE COMMISSIONER: What?

MR. ROSE: That was the man who owned the Fort Erie racetrack.

THE COMMISSIONER: Owned the land.

THE WITNESS: Yes, that is my understanding.

THE COMMISSIONER: Q. And he was ruled off the track. Did you know that?

A. I didn't.

Q. And the horses transferred to someone else's name. Did you know that?

A. No.

MR. ROSE: Q. And the stock transferred to somebody else's name in the Ontario Jockey Club, I understand. You don't know whether he is still receiving income from the stock in the Ontario Jockey Club?

A. No, I don't know that, sir.

MR. ROSE: Those are my questions, sir.

THE COMMISSIONER: Mr. Wilson?

MR. WILSON: Yes, I think I have a couple of questions.

EXAMINED BY MR. WILSON:

Q. The Sylvestro raid that you speak of, can you fix the date of that raid?

A. October 23rd, 1959, sir.

Q. October 23rd, '59.

THE COMMISSIONER: October 23rd?

A. Yes, sir.

MR. WILSON: Q. And was that the day that you excused yourself to go out and get a haircut, and found the barbers were busy?

A. I don't know whether that was the day or not, sir.

Q. Well, maybe we can have further evidence to give us the facts in regard to that. You told us that in all your contacts with McDermott you were endeavouring to obtain his confidence. And at the date of your arrest, had you obtained his confidence?

A. No, sir.

Q. Or gained his confidence?

A. No, sir, I had not.

Q. Then, after the arrest you say you have been fairly close to McDermott and

Feeley by reason of the prosecution or prosecutions?

A. Yes, with respect to our charges and our preliminary hearings and our appeals.

Q. Well, as of the date of your arrest, May 28th, 1960, had you determined where the leak was in the anti-gambling branch?

A. No, sir, I had not. I don't know yet whether in fact -- I don't know whether Scott was in with McDermott or not. Whether it was a scheme -- when I was arrested it was some kind of a scheme of theirs to have me arrested, or whether Scott was in with Sylvestro in Guelph.

Q. After your arrest and by reason of your subsequent association with McDermott and Feeley, do you know now where the leak was in the anti-gambling branch?

A. I still don't know.

Q. You still don't know?

A. No, sir.

Q. As of the date of your arrest, May 28th, 1960, was the Vets Club operating?

A. I don't know whether it was -- I believe at my trial it came out in evidence that it had closed some time after my arrest, sir. I just don't know.

Q. Didn't it come out in your trial that both the Vets Club at Cooksville and the Ramsay Club in Niagara Falls closed immediately,

or within a matter of days after your arrest?

A. I believe it did, sir.

Q. Is that just a coincidence?

A. Oh, I would say it is, sir, yes.

Q. The fact you were arrested on May 28th, would have nothing to do with both those clubs closing up a few days later?

A. I feel it is just a coincidence, sir.

MR. WILSON: That is all. That is all for the time being.

THE WITNESS: Yes, sir.

May I ask one question, sir?

THE COMMISSIONER: Yes.

THE WITNESS: Those income tax assessments ---

MR. WILSON: I told Mr. Carty to give them back to you.

THE WITNESS: Thank you, sir.

---The witness withdrew.

MR. WILSON: Now, is Sergeant Anderson back? Then, we will call -- Is Lamorie here? We will call him.

A CONSTABLE: Lawrence is out here.

MR. WILSON: Bring Lawrence in then.

(Page 5880 follows)

WILBERT COWAN BARTON LAWRENCE, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you live?

A. I live at 569 Kingston Road, Toronto, Ontario.

Q. And you joined the Ontario Provincial Police on October 17th, 1957?

A. What was the date again, sir?

Q. October 17th, 1957?

A. No sir, I joined the Provincial Police, I believe it was January 28th, 1957.

Q. You are quite right. I had called for another witness.

THE COMMISSIONER: January what?

A. January 28th, 1957.

MR. WILSON: Q. And how old were you at that time?

A. Well, I am 34 now, I would be approximately 30 years of age.

THE COMMISSIONER: Pardon me.

A. Approximately 30, 31 years of age.

Q. How old are you now?

A. 34.

MR. WILSON: And you immediately were assigned to the Anti-Gambling Branch?

A. That's correct, sir.

Q. And you were with that branch

[illegible] Dance Company, [illegible]

[illegible] of Mr. Kinsey

Q. Where do you live?

A. I live in the Glenview Hotel, Greenville, Mississippi.

Q. And you joined the Orchards Preservation Society in October 27th, 1937?

A. Just was the date again, sir?

Q. October 27th, 1937?

A. Yes sir, I joined the Preservation Society, I believe it was December 20th, 1937.

Q. Did you quite right. I had called for another witness.

THE CHAIRMAN: Summary court?

A. "January 20th, 1937".

Q. And how old were you at that time?

A. Well, I am 34 now, I would be approximately 32 years of age.

THE CHAIRMAN: Please sir.

A. Approximately 32, 32 years of age.

Q. How old are you now?

A. 34.

Mr. [illegible]: And you immediately were assigned to the Anti-Segregation department?

A. Yes, sir.

Q. And you were with your [illegible]

until your suspension on May 30th, 1960?

A. That's correct, sir, although I believe my suspension took place on May 29th.

Q. Well, we are not far apart on the date?

A. No.

Q. Now, what was your occupation before you joined the force?

A. I was a clerk at the Imperial Oil Limited for a period of six years. Prior to that - - -

THE COMMISSIONER: Just a moment. Clerk in the office?

A. Yes, my lord.

Q. Yes.

A. Prior to that I held various occupations primarily as a beverage salesman.

Q. What?

A. Beverage route salesman delivering beverages from the truck.

Q. Yes.

A. Going back beyond that, I can't recall, there was a number of miscellaneous occupations I had. I was assistant to a funeral director for a number of years.

MR. WILSON: Q. Now, when did you first meet Joseph McDermott?

A. The first time I met Joseph McDermott was in the course of my duty. It was

until your suspension on the 20th, 2021?

A. That's correct, sir, although I believe my suspension took place on May 20th.

Q. Well, we are not far apart on the date?

A. No.

Q. Now, did you plan suspension before you finished the journal?

— I was a state of the Governor Gil Lamarr for a period of six years. Since to that - - -

Q. [illegible] that's correct.

Clerk in the office?

A. Yes, for long.

Q. Yes.

A. Prior to that I held various occupations primarily as a beverage salesman.

Q. When?

— Immediate prior minimum difficulty [illegible] the [illegible]

Q. Yes.

A. During such period, I can't recall, there was a number of [illegible] occupations I had. I was assistant to a [illegible] director for a number of years.

Q. Without [illegible] Q. Now, when did you first meet Joseph Colonnetti?

A. The first time I met Joseph Colonnetti was in the course of my duty. It was

when we were conducting a raid, investigation, on the Centre Road Veterans' Club in Cooksville.

Q. And when was that?

A. It would be approximately during the month of April, 1960; in and around there.

Q Yes.

A. Fairly close.

THE COMMISSIONER: Q April what?

A April, 1960, your lordship.

MR. WILSON: Q. Had you talked to him prior to that time?

A. No sir, not to my knowledge.

Q. After that date did you see him again?

A. Once.

Q. Where?

A. At the King Edward Hotel approximately two months ago.

Q And under what circumstances?

A Well, I was anxious to speak to Mr. McDermott. I had for some time and I was never able to contact him. I wanted to know if -- what and if he had said anything or had carried any malicious stories about me.

Q. At this meeting?

A. Yes, I did.

Q. And it took place at the hotel?

A. It took place in a beverage room of the King Edward Hotel.

was he even thinking in 1918, particularly on the course Good Veterans' Club in Cambridge.

Q. And when was that?

A. It would be approximately during the month of April, 1920; in and around there.

Q. Yes.

A. Fairly close.

Mr. [illegible]: Q. April what?

A. April, 1920, your Honorship.

Mr. Gillon: Q. Did you [illegible] in the [illegible] at that time?

A. My [illegible] not to be [illegible].

Q. After that date did you see him again?

A. Once.

Q. Where?

A. At the King Edward Hotel approximately two months ago.

Q. [illegible]?

A. Well, I was anxious to speak to Mr. Mackenzie. I had for some time and I was never able to contact him. I wanted to know if -- what and if he had said anything or had [illegible] the [illegible] [illegible] so.

Q. At that meeting?

A. Yes, I did.

Q. And it took place at [illegible]?

A. It took place in a [illegible] room of the King Edward Hotel.

Q. And who else were present?

A. No one.

Q. And you wanted to find out what he had said about you?

A. That's correct.

Q. Why would you think he had said anything about you?

A. Well there were considerable articles in the paper connecting myself with his gambling operation, and I wanted to hear his side of the story; hear what he said, if anything.

Q. You wanted to hear what he was going to say?

A. Not what he was going to say but what he had said about me in the past.

Q. After this meeting in April, 1960, had you contact with him after that day prior to this meeting at the King Edward?

A. No sir, not to my knowledge.

Q. What did Mr. McDermott tell you at this meeting a couple of months ago?

A. It was a very brief meeting, it only lasted for approximately three or four minutes after that. I asked him didhe tell anyone or say to anyone that I had any criminal dealings with him, and he said he did not; and he was willing to speak further but I concluded that conversation. That's all I wanted to know

and I left.

Q. Well, would giving the "off" the criminal activity in your definition of the term?

A. Giving the "off"? You mean giving gamblers advance information on raids?

Q. That's right.

A. Certainly that would be criminal.

Q. And you said the meeting lasted three minutes?

A. It didn't last very long.

Q. This was after this Royal Commission had been created?

A. Yes. As a matter of fact, it was during, I believe it was during the time of his last trial.

Q. And you knew that you might be called as a witness?

A. Yes.

Q. Had you been subpoenaed at that time?

A. Yes, I am inclined to say that I was.

Q. Yes, and since that time have you discussed with anybody evidence you might give, or the questions you might be asked at this time?

A. No, sir. In fact, I am never discussed with Mr. McDermott, discussed the

sum I lost.

Q. Well, would giving the "bit" the nominal variation in your determination of the Board?

A. Giving the "bit" The mean value qualifies above. Individually on right?

Q. That's right.

A. Individually that could be minimum.

Q. And you said the meeting lasted three minutes?

A. It didn't last very long.

Q. Then was after this hearing examination had been completed?

A. Yes. As a matter of fact, it was during, I believe it was during the time of his last trial.

Q. And you gave that right to be called on a witness?

A. Yes.

Q. And you been subpoenaed at that time?

A. Yes, I am indicted to say that I was.

Q. Yes, and since that time have you discussed with anybody evidence you might give, or the questions you might be asked at this time?

A. No, sir. In fact, I am never discussed with my husband, discussed the

evidence I would give.

Q. Have you had any discussions with your former associates on the force, Lamorie?

A. Yes sir, I have.

Q. When did you discuss matters with him?

A. Well, on a number of occasions. I recall about two months ago or in and around there, Constable Lamorie brought his automobile to Toronto to have some motor repairs affected to it, which I did for him.

Q. This was how long ago?

A. It seems to me approximately two months ago.

Q. This is about the time that you got a subpoena, too?

A. Yes.

Q. And you did some repairs on his car for him?

A. I did.

Q. And at that time did you discuss the Commission?

A. Yes.

Q. This Commission?

A. Yes.

Q. And did you discuss the questions that you might be asked and he might be asked?

A. I believe we did.

Q. And did you ask him what he might

have said about you?

A. Yes, I believe I did.

Q. And what did he tell you?

A He told me that he had said nothing that could be a slur against my character or anything of that sort.

Q. Now, what about Vincent Feeley? When did you first meet him?

A. Well, I don't recall, but it was probably during the first occasion that I, assisted by other police officers in an investigation, in the Centre Road Veterans' club.

Q. When would that be?

A. I don't recall, but it would be early in 1960 or late 1959.

Q. Weren't you in any raids on the Veterans' Club prior to 1960?

A. Possibly in 1959, I don't recall.

Q. And after this meeting at the Vets' Club on a raid with Feeley, did you meet him again prior to today?

A. No, sir. I never seen Vincent Feeley at any time or any place other than the Veterans' Club during the time I was a police officer conducting investigations.

Q Did you ever talk to him on the telephone?

A. No, sir.

Q. Constable George Scott was on the

more than seven years?

A. Yes, I believe I did.

Q. Was she and he both young?

A. He told me that he had been married [illegible] years, [illegible] a wife [illegible] of [illegible] of [illegible] years.

Q. Now, what month Vanderbilt Dealey? When did you first meet him?

A. Well, I don't remember, but it was probably during the first [illegible] [illegible] I'd received by other police officers in an investigation, of the [illegible] man.

Q. When would that be?

A. I don't remember, but it would be early in 1960 or late 1959.

Q. Weren't you in my office on the Peterson' film [illegible] in 1960?

A. Possibly in 1960, I don't remember.

Q. And after this meeting at the [illegible] club on a [illegible] [illegible], did you ever again pursue to meet:

A. Oh, no. I never [illegible] meeting at any time or any place other than the Peterson' club during the time I was a police officer [illegible].

Q. Did you ever ask to run on the telephone?

A. No, sir.

Q. Conversation [illegible] was in the

Anti-Gambling Branch during the time you were on it, wasn't he?

A. That's true, he was.

Q How did you get along with him?

A. Quite well.

Q. What kind of an officer was he?

A. Well, he seemed to be a very good police officer. I don't think he was particularly cut out for undercover work or previously successful in that particular area. You asked me what kind of a police officer he is, I would have to also take into consideration the man's character. In doing so, I would have to reply I don't think he was a particularly good police officer.

Q. Now, did you ever have any trouble with George Scott during the time the two of you were on the branch?

A. No, sir, not that I recall.

Q. How did you get along with Sergeant Anderson?

A. Very well. I think Sergeant Anderson is a fine man.

Q. During the time you were on the branch did you ever have any suspicions about any of your fellow officers?

A. No, sir, I can't say that I did. I will say there seemed to be an atmosphere of suspicion in the branch.

of employing in the person.

I will say more proud to be an attorney

A. No, sir, I don't say that I did.

any of your fellow officers

Q. Did you ever have any conversation among

A. Yes, sir.

Q. Tell us the substance of

Q. Now did you get along with him

A. Well, he seemed to be a very

pleasantly out of his undercover work or

You asked me what kind of a police officer

he is, I would have to also take into consideration

the man's character. In doing so, I would

have to say I don't think he was a particularly

good police officer.

Q. Did you ever have any

trouble with someone about having the time and

the of you work on the property?

A. No, sir, not that I recall.

Q. Did you get along

Judgment-Cross

A. That well. Judgment

Anderson is a fine man.

Q. Getting back to the question as to

whether did you ever have any conversation among

any of your fellow officers

A. No, sir, I don't say that I did.

I will say more proud to be an attorney

Q. How did you get along with Constable Wright, as he was then?

A. Reasonably well; the only one officer that I was a close friend of is Constable Lamorie. We used to drive one another to work. We live in that general area.

Q. You were closer with Lamorie than any other member of the branch?

A. Yes, I would say that.

Q. When did you first meet Sammie Balsom, of St.Catharines?

A. I would say it was in a bowling alley in the St.Catharines area when I was in that area conducting investigations with other police officers. We went there to bowl and Sammie Balsom was pointed out to me. He was a very friendly type. He used to speak to all the police officers there.

Q. What year was this when you first met Balsom?

A. I would say probably 1958.

Q. And what was his reputation as you knew it at that time?

A. A bookmaker.

Q. How often would you see him after you first met him up to the time you were suspended?

A. I don't recall how often but he was at the bowling alley quite frequently and at the

[illegible]

Q. How old you get along with [illegible] on Dean Street?

A. Reasonably well, the only one without that I was a close friend of is Gonzalez Alonzo. He used to drive one another to work. He live in that general area.

Q. You have stated [illegible] that my other people of the neighborhood [illegible] Hey, I could say that.

Q. Then did you first meet Manuel Salazar, or Ortiz?

A. I think my if was in a meeting at the [illegible] and at that meeting investigations with [illegible] Alonzo Salazar was present and he was a very friendly type. He used to speak to all the people without [illegible].

Q. When your was that your first [illegible]

A. I meet by memory 1964.

Q. How often was [illegible] you know it at that time?

A. A convenience.

Q. How often would you see him after you first met him up to the time you were [illegible]?

A. I don't recall how often but he was at the building also quite frequently and at the

same place that we were in. When we were in that general area to bowl and have refreshments, he was quite often there.

Q. After the time you first met him in 1958, did you meet him every few weeks there and see him and talk to him?

A. I would say I have seen him approximately, I think, four or five times would be a fair estimate.

E/2

Q. In what period of time ?

A. From the time that I first met him until the time that I was suspended.

Q. And in the course of your work were Lamorie and yourself on duty in the Niagara Peninsula quite a bit from 1958 through to 1960?

A. Yes.

Q. Was that your particular area?

A. Well, I was assigned that area to do investigations in that area.

Q. Yes, with Lamorie?

A. I am not at all certain whom I was with, who my buddy was supposed to be.

Q Did you work as a team over there, you and Lamorie?

A. No, not necessarily.

THE COMMISSIONER: Q. In 1958 to 1960, what was your particular work?

A. In 1958 to 1960?

Q. Yes?

A Assisting members ofthe Anti-Gambling Branch in conducting investigations of betting and gambling in the Province of Ontario. They would be comprised of checking telephone records to obtain information, executing search warrants on gaming houses and betting houses.

Q. I see.

A. That pretty well comprises my duties during that time.

MR. WILSON: Q. Now, I understand you were on friendly terms with Constable George Scott during the period the two of you were on the branch?

A. No more than any other police officer, with the exception of Lamerie.

Q. He would have no reason to do you any harm?

A. Not that I know of.

Q. On May 17, 1960, do you recall meeting Constable Wright and Constable Scott at the Earl French Club in Toronto?

A. I do.

Q. And what was the reason for you meeting with those two men at that time?

A. There was no reason; it wasn't a planned meeting. As a matter of fact,I just dropped in there and I -- not expecting to find anyone particularly, but there was Constable Scott and Constable Wright. I would like to

Q. [illegible] Installing [illegible] [illegible] [illegible]

mention this is a place where the members of the branch frequented and I had been there on a number of occasions and we would go there and drink beer and play billiards and so forth.

Q. What time did you arrive at the club that particular evening?

A. I don't recall, but I am inclined to think it would be in the neighbourhood of nine o'clock.

Q. Were you driving your own car?

A. Yes, sir.

Q. Do you remember sitting in a car outside the club with Wright and Scott and having a discussion?

A. Yes, I recall sitting in the car.

Q. And what is your recollection of what was discussed either in the car or in the club when the three of you were together?

A. I can't recollect any specific thing in the club or in the car other than it was small talk. I remember mentioning to Constable Wright, it seems to me, I went out -- I left the premises - and I got in my car. Constable Scott followed me and sat in the front seat, and sometime later Constable Wright came out and got in the back seat.

Q. How long had you been in the club before this happened?

A. I would estimate a half an hour.

Q. And what was the reason for going out to sit in the car?

A. I was going home. It could have been longer than a half an hour, but I was on my way home.

Q. You were on your way home?

A. That's right.

Q. Had you had any drinks?

A. Yes.

Q. In the time you were in the club?

A. Yes, I had one beer.

Q. But you were perfectly sober when you sat in the car with these other two men?

A. Yes.

Q. Now, Constable George Scott has sworn in his evidence here that on that occasion you made certain statements?

A. Yes, I am aware of that.

Q The first of which is that you said that you: -

"Both Lawrence and Lamorie stated
"that if McDermott would pay them
" $500.00 per month each they would
"be content and would eventually
"discard the 'patches'."

(Page 5893 follows)

Q. I would guess an hour and a half or more.

Q. And what was the distance you drove during the time you were in the car?

A. I was going home. It could have been longer than a half an hour, but I was on my way home.

Q. You were on your way home?

A. Yes.

Q. Did you had any drinks?

A. No.

Q. In the time you were in the car?

A. Yes, I had one beer.

Q. Are you from Greenville area?

When you was in the car with these other two men?

A. Yes.

Q. Now, Guardian Angels Sports Bar manager in his evidence here that on that occasion you were carrying a [illegible]?

A. Yes, I am aware of that.

Q. The first of which is that you said that you:-

"Had [illegible] and [illegible] drinks

"that if their mouth would say some

" [illegible] per month even they would

"be concerned and would questionably

"discount the 'instation'."

A. There is absolutely no truth to that statement whatsoever.

Q. No truth at all?

A. None at all.

Q. Have you any reason as to why Scott would record a thing like that if it was not true?

A. Nothing conclusive. I do have my own particular observations and opinions which I believe are accurate, but nothing that I could say was conclusive.

Q. I would like to hear any explanation you might have for Scott doing this and recording this alleged statement if it was not true?

A. Well, it is my own personal opinion that Constable Scott is suffering from some sort of a mental condition.

THE COMMISSIONER: Q. Just a moment. He suffered from some mental condition?

A. That's correct, some sort of a personality mal-function or something. These are based on my knowledge of Constable Scott during the years I worked with him and his character habits which I believe can only be explained in that manner. I know of no other reason Constable Scott would say these things.

MR. WILSON: Q. Did you ever see any signs of symptoms of this mental condition you

A. There is seemingly no reason to that statement whatsoever.

Q. No reason at all?

A. None at all.

Q. Have you any reason to be any doubt would record a thing like that if it was not true?

A. Nothing conclusive. I do have no any particular observations and opinions which I believe are accurate, but nothing that I could say was conclusive.

Q. I would like to know any explanation you might have for Scott doing this and recording this alleged statement if it was not true?

A. Well, it is my own personal opinion that a reputable Scott is suffering from some kind of a mental condition.

THE WITNESS: Q. What's reason, he suffered from mental conditions?

A. What's reason, some sort of a personality maladjustment or something. These are based on my knowledge of whatever Scott during the years I worked with him and his character during which I believe can only be explained in that manner. I know of no other reason concerning Scott would say these things.

MR. ATKINS: Q. Did you ever see any signs of symptoms of this mental condition you

speak of while you were on the force with him?

A. Yes, sir.

Q. You did?

A Yes, sir.

Q. Just tell us where, when and under what conditions and what they were?

A. Yes. I respectfully request, though, that this particular evidence should be given in camera. It will assist the Commission in understanding this person but I don't think it should be a subject of newspaper stories. I think it is a matter which should be held in camera, just this part of my evidence. I respectfully request that, my lord.

THE COMMISSIONER: Well, it is about ten minutes to one. We will hear this part of his evidence in camera and I will decide whether we will hear it in public.

MR. WILSON: Yes. Well, will we ask that the press leave.

THE COMMISSIONER: Yes.

---The press leave the courtroom at 12:55 p.m.

MR. MacKINNON: I suggest Constable Scott is entitled to hear whatever he has to say.

THE COMMISSIONER: Oh, yes.

Issues of public importance on the Pacific Coast that

A. Jap. e.t.c.

B. Jap-land

C. Jap. labor

D. Jap. will be elected, when had

enough other qualifications and only Jap. vote.

Jap. - Independent necessary.

Strength. Just this particular argument should

be given in Japan. It will convince the

Japanese in understanding that unless the

Jap's

interest is checked he is subject to immediate

expulsion. I think it is a matter which should

be held in camera. Just such great as my

argument. I consider it important that, in

law.

THE CHAIRMAN: Well, it is about

ten minutes to one. We will adjourn part of

the evidence in camera and I will decide whether

we will hear it in public.

MR. WONG: Yes. Well, will we have

that the press leave.

(Adjourned.)

---The press leave the courtroom at twenty p.m.

MR. McCUTCHEON: I suggest Commissioner

Howay is entitled we have statutory to hear in

any.

THE COMMISSIONER: Oh, yes.

IN CAMERA

W.C.B.Lawrence

MR. WILSON: Q. Now, will you just go on with your evidence?

A. Yes. Well, there are two instance_s that I know of that -- one that I was a witness to - which leads me to believe that Constable Scott is suffering from some sort of a mental malfunction. One is that Constable Scott himself openly bragged to - according to my knowledge - everyone on the branch, and among them would be Constable Moore who is still a member of the Anti-Gambling Branch, that he had committed an act of oral perversion on a woman in Ottawa. I don't know how true it is. I know he told -

Q. When was this h you say he told you this?

A. It would be during the time I was a member of the branch; exactly when I couldn't say.

Q. You must know what year it was?

A. Oh yes; I would estimate it would be 1958, sometime in 1958.

Q. In what month?

A. I couldn't put it down that close.

THE COMMISSIONER: In 1958 he told you this?

MR. WILSON: Q. Now, will you just go on with your evidence?

MR. [illegible]: Mr. [illegible] Lemmens, just I know of that -- one that I was a witness to - which leads me to believe that [illegible] is sufficient [illegible] of a [illegible] situation. She is [illegible] [illegible] [illegible] by - [illegible] on the [illegible], and [illegible] would be [illegible] Moore who is still a member of the anti-[illegible] Branch, that he had conversations or got or oral [illegible] on a [illegible] in Ottawa. I don't know how [illegible] is. I [illegible] be told -

Q. When was this? Can you say he told you this?

A. It would be during the time I was a member of the [illegible], [illegible] I couldn't say.

Q. You must know when your [illegible] was [illegible]

A. Oh yes; I would [illegible] it would be [illegible], [illegible] in [illegible].

Q. In what month?

A. I couldn't put it down that close.

THE COMMISSIONER: Is [illegible] he told you [illegible]

A. I believe so, my lord.

MR. WILSON: Q. What time of the year was it?

A. I couldn't say. I just recall him having told me. I recall other members of the branch mentioning it.

THE COMMISSIONER: Q. Who were the other members of the branch to whom he mentioned it, to your knowledge?

A. To my knowledge, I believe Constable Moore mentioned this one time.

Q. No, no, just name the officers, the other members of the branch to whom Scott mentioned this. They are Moore . . . ?

A. Yes, I believe Moore - I am quite sure Moore because I have heard Moore mention it again to, I would say, Lamorie, Wright; I would say everyone in the branch, according to my knowledge.

MR. WILSON: Q. Well, just name them?

A. And I believe Constable Bartolli.

Q. Anybody else?

A. I am certain he never mentioned it to Sergeant Anderson.

THE COMMISSIONER: Q. I did not ask you to whom he did not mention it, I want to know to whom he did mention it, to your knowledge?

A To my knowledge, sir, he mentioned

A. I believe so, my lord.

Mr. Hilbert: Q. Just look at the year

Act. 147

A. I assume? Yes. I just recall

his having told me. I recall other members of

the board discussing it.

THE COMMISSIONER: Q. Who were the

other members of the board to whom he

mentioned it, if you remember?

A. To my knowledge, I believe

Generals Pearkes and Vokes and Jones.

Q. Yes, no, just name the officers,

the other members of the board to whom Smith

mentioned this. They are Pearkes . . . ?

A. Yes, I believe Pearkes - I am

quite sure Moore because I have heard Moore

mention it recently to, I would say, Lieutenant

Murphy; I would say everyone in the Dominion,

according to my knowledge.

Mr. Hilbert: Q. Well, just some

A. Did I believe Commissioner Mortonsil,

Q. Anybody else?

A. I do believe he never mentioned

it to Lieutenant Murphy.

THE COMMISSIONER: Q. I did not ask

you to which he did not mention it, I want to

know to whom he did mention it, to your

knowledge?

A. To my knowledge only, for instance

it to these officers.

Q. Moore, Lamorie, Wright and Bartolli?

A. Yes.

Q. All right.

A. Perhaps not Bartolli. It is difficult for me to say just exactly who he dismention it to.

Q. A moment ago you said them all.

MR. WILSON: Q. Now, you have not named all the officers on the branch but you are not sure about Bartolli?

A. No.

Q. Are you sure about Moore?

A. Yes, I am reasonably sure about Moore.

Q. You are reasonably sure about Moore?

A. Yes.

Q. Are you reasonably sure about Lamorie?

A. I am reasonably sure about the ones I mentioned. I am not absolutely certain that Constable Scott told them but I know it was general conversation.

THE COMMISSIONER: You started out by saying he openly bragged about it to all the men on the branch?

A. That's right.

it on some witness.

Q. Have, Lawrence, Edgar and Marshall?

A. Yes.

Q. All right.

Presumpe not Barrelli. It is difficult for us to say just exactly how he discussion it to.

Q. A moment ago you said them all.

Q. Allen: Q. Now, you have not named all the officers on the premises but you are not sure about Marshall?

A. No.

Q. Are you sure about Jones?

A. Yes, I am reasonably sure about Bill.

Q. You are reasonably sure about Jones?

A. Yes.

Q. Are you reasonably sure about Lawrence?

A. I am reasonably sure about the one I mentioned. I am not absolutely certain that Lawrence came with them but I know it was planned beforehand.

The Commissioner: You started out by saying he already changed where is he all the man on the diamond?

Q. Bill's plan.

Q. There are more men on the branch than you have named?

A. Yes.

Q. Are there any others on the branch to whom he mentioned it to your knowledge?

A. I believe that Constable Kobelka joked about this same thing on one occasion. However, I feel most certain about Constable Moore. There is another instance --

THE COMMISSIONER: Q. Just a moment, now. This is in 1958 that he said this?

A. I believe it was.

Q. When did he say he committed the act?

A. I don't recall that.

Q. Did he say where he committed the act?

A. A motel in Ottawa. There was some woman involved there.

Q. Did he identify the woman?

A. No.

Q. Did he give any details of it at all, the circumstances?

A. Yes, Constable Scott's description of it was "he ate her". That was his description. That is the extent of that particular incident.

Q. Well, - -

THE COMMISSIONER: Was that the winter, the summer, spring or fall? Where was the motel?

Q. Have you more than on the

[illegible] you have [illegible]

A. Yes.

Q. Are there any others on the premises

to whom he mentioned it to your knowledge?

A. I believe that [illegible]

[illegible] you know [illegible]

[illegible]. However, I feel sure you'll [illegible]

[illegible]. [illegible]

THE COMMISSIONER: Q. Have a [illegible]

now. There is an [illegible] that he said [illegible]

A. I believe it was.

Q. When did he say he [illegible] the

[illegible]?

A. I don't [illegible].

Q. Did he say where he [illegible] the

[illegible]?

A. A [illegible] in Ottawa. There was

some [illegible] [illegible].

Q. Did he identify the [illegible]?

A. No.

Q. Did he give any details of it

at all, the [illegible]?

A. No. [illegible] I'd [illegible]

of it was "he was [illegible]". [illegible]

Just to the [illegible] of that [illegible] [illegible].

Q. [illegible] -

THE COMMISSIONER: Was that the [illegible],

the [illegible], [illegible] or fail? Where was the [illegible]

A. I don't know, my lord.

Q. How did he happen to meet her, all that sort of thing, give me details?

A. I don't know. I am sure Constable Scott could give those details.

MR. WILSON: Q. Did you talk this particular incident over with McDermott?

A. No, I haven't.

Q. You haven't mentioned this to anybody until now?

A. No sir, I haven't.

Q. And you never thought it important enough to mention it to any of your ss superior officers on the force while you were there?

A. No sir, I couldn't bring myself to do such a thing.

Q. And you haven't yet told us under what circumstances this alleged statement was made?

A. I don't recall the circumstances other than Constable Scott would mention it on occasions.

Q. Did he mention it on more than one occasion?

A. Yes.

Q. What would you be talking about that would bring it up?

A. I am sure I don't know.

Q. Well, would it be down at

Q. I don't know, do you?

A. How can we manage to do such an all that work of during, give me an hour?

A. I don't know. I am sure Lawrence Brown would give Bond-Jones!

Mr. Wilkins: Q. Did you have time particular Lawrence and with Bond-Jones?

A. Yes, I saw?

Q. Did Brown's qualifications seem as obviously well?

A. No sir, I doubt?

Q. And you never thought it important enough to mention it to any of your co-workers officers on the Ferro while you were there?

A. Mr. Chairman, I would never do such a thing.

Q. And you haven't you full as never what Lawrence Brown's qualifications were money?

A. I don't remember the circumstances exactly. Such things would happen in a company.

Q. Did he mention it on more than one occasion?

A. Yes.

Q. Who would you be talking about last work during 35 ago?

A. I am sure I don't know.

Q. Don't would to be then?

headquarters that this might have been told to you?

A I don't exactly recall where it was. It was possibly in police cars when we were travelling, or possibly at headquarters or possibly having a drink.

Q. You say he mentioned this to you on more than one occasion. Were there any other persons present when he made such a statement?

A. I don't recall.

Q. Well, will you swear there was no other person present when he made such a statement?

A. I am certain there was someone else present.

Q. You understand the law about perjury?

A. I understand it perfectly.

Q. Was there any other persons present on any occasion when you say he made such a statement?

A. There was, yes.

Q. Who would they be?

A. I couldn't tell you; I don't know for certain.

Q. Did you discuss this particular matter with Lamorie when he was here a couple of months ago?

[illegible]

[illegible] [illegible] [illegible] [

A. No, I did not.

Q. You did not discuss it with Lamorie?

A. No, I didn't.

Q. Now - - or at any other time?

A. I believe I did. Yes, I believe I did.

Q. With Lamorie?

A. Yes, I believe so.

Q. Where?

A. I don't recall. It seems to me in the course of discussions about things that had been going on we offered each other our opinions about how anyone could say these things when they're not true. I think it was discussed during such a conversation.

Q. Did you ever discuss it with anybody else on the force while you were still on the force?

THE COMMISSIONER: He said he did not.

THE WITNESS: I don't recall.

MR. WILSON: Q. Now, did you ever discuss it with any outsiders?

A. No, definitely not. It's something I would never repeat.

Q. Now, was this discussion you had with Lamorie after Wright had been arrested?

A. Yes.

Q. And after you and Lamorie had been

suspended?

A. Yes, sir.

Q. And that was a pretty upsetting affair, this suspension, wasn't it?

A. Yes, I would have to say it was a shock to me.

THE COMMISSIONER: Well, let us not get into that. There were two instances.

MR. WILSON: Yes, I am just coming to the other instance.

Q. Now, what was the other instance of which you base this allegation of mental condition?

A. The other allegation --

THE COMMISSIONER: Q. The other what?

A. Allegation - - the other time was in a hotel on Jarvis Street. Constable Wright, Constable Scott and myself left work one evening and we decided to go for a drink at a tavern. We went over to the closest one situated in the area at Jarvis and Dundas. We went to the basement there. They have a mixed bar of women and men. We sat down and had several drinks and in the course of this conversation - -

THE COMMISSIONER: What was the name of this hotel?

A. I believe it's the Warwick my lord.

Interrupted:

Q. Yes, sir.

A. And that was a perfectly legitimate activity, that negotiation, wasn't it?

Q. Yes, I would have to say it was a valid in fact.

THE CHAIRMAN: Well, let us see what Lord Denning. Those were the instructions.

MR. WALSH: Yes, I am just coming to the point Lordship.

Q. Now, what was the other instance of which you have been allegations of unfair conditions?

A. [illegible] —

THE CHAIRMAN: Q. The e-mail?

A. Allegations - - the other time was in a memo on David Stamer. Completely alright, discussing doors and myself don't work one evening and we decided to go for a drink at a tavern. We went over to the element was situated in the area at Jervis non Jundra. We went to the Commonwealth Tavern. They have a dance for of women and men. We saw some and had personal drinks and in the course of this conversation - -

THE CHAIRMAN: Well let me see if I get it.

A. I believe it's the memorandum my lord.

Q. Warwick, is it?

A Yes.

Q. At the corner of what?

A. Dundas and Jarvis, and in the course of the conversation prostitutes was mentioned and according to my recollection Constable Scott - - I believe it was him - - suggested that we get some prostitutes and I, of course, assumed he was joking about the whole matter. I said to him - -

THE COMMISSIONER: Q. Who was there?

A. Constable Wright, Constable Scott and myself.

MR. WILSON: Q. What year was this?

A. I would say it was 1958, the summer of 1958.

Q. Well, just go on.

A. And I dared Constable Scott to associate himself with one of these women; not, of course, realizing he would ever do it. He seemed to go along with the joke. He said all right. I said I will pay for it, provided you pick the woman, or something to that effect, and he said all right.

THE COMMISSIONER: Q. Just a moment. Yes?

THE WITNESS: He said all right, so I gave him some money and I told him to go and approach a woman over in the corner. This was

Q. Marlen, is it?

A. Yes.

Q. In the course of their

A. Jordan and Jarvis, who is the

owner of the [illegible] [illegible] and

mentioned and according to my recollection

Counsel Good -- I believe it was him --

suggested that we get some preliminary out

of the [illegible] [illegible] and

[illegible]. I said to him --

THE CONSTABULARY: Q. The two [illegible]

A. Reasonable rights, Constable

Good and myself.

Q. [illegible] [illegible] [illegible]

A. I would say it was [illegible], and

[illegible] of [illegible].

Q. Well, [illegible].

A. And I would [illegible] [illegible]

[illegible] [illegible] and of those [illegible]

not, of course, realizing he would ever do it,

he agreed to go along with the [illegible]. He said

[illegible] [illegible] [illegible] [illegible]

[illegible] the [illegible], or according to [illegible] [illegible],

[illegible] and all right.

THE CONSTABULARY: Q. Just a moment.

[illegible]

THE WITNESS: He said all right, so

I gave him some money and I told him to go and

purchase a [illegible] over in the corner. This was

still a big joke at this point.

Q. How much money did you give him?

A. I believe it was fifteen dollars or something like that.

Q. Yes.

A. And I took this woman or picked this woman particularly because she was at least twice Constable Scott's age, and he left the table, went over and had a brief conversation with her and they both left. I was completely astounded. As a matter of fact, I thought he was still going on with the joke, but he returned approximately an hour later and related all the details of his sordid experience to us. Certainly this indicated to me there was something the matter with the man's mentality. It was certainly not the behaviour of a normal person.

MR. WILSON: Q. Now, you say "I believe it was Scott that suggested prostitutes"?

A. Yes.

Q. Who was it?

A. I don't know, did I say I believe it was Scott?

Q. I think so, we can turn it up. Now, you were - -

A. I don't know who suggested it.

Q. But I understood you to say you were the person that suggested this dare,

that he take this woman out?

A. After someone had mentioned or jokingly said "What do you say we get a couple of wheres", or something to that effect.

Q. Would that be Wright or Scott or yourself?

A. I am sure it wasn't myself.

Q. You were the man who was putting up the money to see if anybody would?

A. Yes. That's after somebody suggested about the girls.

Q. Now, is that all?

THE COMMISSIONER: Just a moment.

Q. That is the only reason for you saying he has some mental condition?

A. Yes, I would say so, my lord.

THE COMMISSIONER: Well, would this be a convenient time to adjourn for lunch?

MR. WILSON: Yes.

---Hearing adjourned at 1:15 p.m.

Page 5910 follows)

IN CAMERA SESSION

---On resuming at 2.19 o'clock p.m.

---The witness resumes the stand.

MR. WILSON: Q. Now, have you told us all the facts upon which you relied to suggest there is something mentally wrong about Constable George Scott?

A. I believe so, sir.

Q. Now, in your younger days were you ever in an institution for any reason?

A. In an institution?

Q. Yes, of any kind?

A. No, not that I know of.

Q. A correctional institution?

A. A correctional institution?

THE COMMISSIONER: Q. In any institution?

A. As a juvenile I was detained in a boys' home for a period of one week.

MR. WILSON: Q. In what?

A. In a boys' home.

Q. For what reason?

A. For -- I was charged -- rather, I was convicted of breaking and entering.

Q. What age were you at that time?

A. I believe approximately twelve or thirteen; I don't recall.

Q. Is there any other part of your evidence that you suggest should be taken in

camera?

A. No, I don't believe so, sir.

THE COMMISSIONER: Well, should we wind up this part of his evidence? Mr. MacKinnon may want to ask him something, and perhaps Mr. Brewin.

MR. MacKINNON: Mr. Brewin, I don't believe, is going to be here.

EXAMINATION BY MR. MacKINNON:

Q. Just on this part. Did the Ontario Provincial Police know about this conviction as a juvenile when you made your application to join that force?

A. No, sir. I don't know whether they did or not.

Q. Did you tell them?

A. No, I don't believe I did.

Q. So far as you are aware they would not know about this episode?

A. Yes, as far as I am aware.

MR. MacKINNON: I think all the other questions I have to ask should be asked in open court.

I think I should make it clear: I do not think any of this evidence this man has given in any way bears on the mental condition of Constable Scott and I do not think it is relevant at all.

THE COMMISSIONER: I want to know something about this man.

Q. Are you married?

A. Yes, I am, sir.

Q. Apart from being in the juvenile home -- Where was this juvenile home where you were committed?

A. It was on Jarvis Street, here in Toronto. I believe at the time I was playing hockey at school and I think that was involved in my detention also.

Q. Did you ever suffer any mental illness yourself?

A. No, sir, not that I know of.

Q. No nervous condition?

A. No, not out of the normal.

Q. I do not know what you might think is normal.

A. Well, that is a pretty good question.

Q. Yes, sure it is.

A. I certainly don't consider myself -- I do consider myself, I will say this, perfectly mentally sane.

Q. I am not suggesting you are not.

A. Yes.

Q. Did you ever have any nervous trouble?

A. No, not particularly.

Q. Were you ever hospitalized at any time?

A. No, I was never in hospital in my

life, my Lord.

Q. All right.

MR. WILSON: Mr. Commissioner, I would like to call Sgt. Anderson for a few questions before I go on.

THE COMMISSIONER: Q. Just stand down, witness.

---The witness stands down.

THE COMMISSIONER: Now we can open the hearing to the public.

---Whereupon the in camera session was concluded.

---At 2.25 o'clock p.m. the public hearings resumed.

JOHN MILLS ANDERSON, recalled

EXAMINATION BY MR. WILSON:

Q. We have heard some evidence about a raid on the Sylvestro premises on October 23, 1959.

A. Yes, sir.

Q. And on that occasion one of the officers was Constable Wright?

A. Yes, sir.

Q. And --

A. Pardon me. He didn't go to Guelph, sir.

Q. He did not go to Guelph?

A. He was in the city of Toronto, as I recall.

Q. Was he present at the briefing for that raid?

A. Yes, that morning, October the 23rd.

Q. We have heard something about him asking permission to go out and get a haircut?

A. That is correct, sir.

Q. Did he ask permission of yourself?

A. Yes, he did.

Q. Did you grant permission?

A. Yes, sir, I did.

Q. Do you know Jerry Jones, the public accountant?

A. Yes, sir.

Q. Did you have occasion to talk to him?

A. Yes, sir.

Q. And on that occasion was or was not Jerry Jones with Donald Wright?

A. Yes, sir.

Q. And --

A. Yes, sir. He didn't go to Omaha.

Q. He did not go to Omaha?

A. He was in the city of Nebraska, as I remember.

Q. Was he present at the conference that that night?

A. Yes. Jerry Jones, between the [illegible]

Q. We have heard testimony about John Jones having permission to go out and get a [illegible]

A. That is correct, sir.

Q. And he was permission of Jerry?

A. Yes, he did.

Q. Did you ever [illegible]

A. Yes, sir, I did.

Q. How long was he away?

A. Oh, it would be approximately, I would say at this time, sir, approximately an hour.

Q. And before he left he had knowledge of the proposed raid on the Sylvestro premises?

A. Yes, sir.

Q. And when he came back had he had a haircut?

A. No, sir, he had not.

Q. We have been told that when the officers arrived at the Sylvestro home they were greeted by the owner at the front door?

A. Excuse me, that is what they reported back to me.

Q. That is what they reported back to you?

A. Yes, sir.

Q. And we have heard that evidence. Wright in his evidence has said Scott asked not to be included in any raids in the Guelph area. What do you say as to that?

A. Not in any raids. He did on that particular date. Scott had raided other premises in the Guelph area prior to this.

Q. Did he ask to be excused on this particular occasion?

A. Yes, sir, as I recall he did.

Q. For what reason?

A. That I can't say, sir.

Q. Not long ago, sir?

A. Oh, it would be approximately, I would say, an who knows exactly, approximately by hour.

Q. And before he left to had knowledge of the progress made on the flyover pavement?

A. Yes, sir.

Q. And when he came back had he had a balcony?

A. No, sir, he had not.

Q. We have been told that when the actually accident of the flyover pavement were greeted by the owner of the front door?

A. Because no, that is what they reported back to me.

Q. That is what they reported back to you?

A. Yes, sir.

Q. And we have heard that evidence. Judge in the evidence has said there were no to be incidents in any walk in the Guelph area. What do you say as to that?

A. Not in any walk. He did on that particular date. Never had walked other pavements in the Guelph area prior to that.

Q. And he was to be arrested on this particular occasion?

A. Yes, sir, as I recall he did.

Q. For what reason?

A. Just I don't know, sir.

Q. And was he present at the briefing -- was Scott present at the briefing?

A. Yes, sir.

Q. Now, it has been stated in evidence by Wright that you made the recommendation for promotion to Corporal -- promotion of Wright to Corporal in August of 1959. Is that correct?

A. That is correct, sir.

Q. And did you prepare a report setting out the reasons why you recommended his transfer out of the Anti-Gambling Branch?

THE COMMISSIONER: Do you want that witness in the court room?

MR. WILSON: Well, I think he should possibly be removed for the moment.

THE COMMISSIONER: Have that witness retire until we want him.

MR. WILSON: Q. Is this the report you prepared?

A. Yes, sir, it is.

THE COMMISSIONER: What report is this?

MR. WILSON: We had better file the original report.

Q. Have you a copy of it there?

A. I have a copy, sir.

MR. WILSON: This report will be Exhibit 172, is it?

THE COMMISSIONER: Yes.

Q. And was he present at the hearing -- was Scott present at the hearing?

A. Yes, sir.

Q. Now, it has been stated in evidence by Wright that he made the recommendation for promotion to Corporal -- promotion of Wright to Corporal in August of 1929. Is that correct?

A. That is correct, sir.

Q. And did you prepare a report setting out the reasons why you recommended his transfer out of the Anti-Smuggling Branch?

THE COMMISSIONER: Do you want that witness in the court room?

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MR. WILSON: Q. Is this the report you prepared?

A. Yes, sir, it is.

THE COMMISSIONER: What report is that?

MR. WILSON: We had better file the original report.

Q. Have you a copy of it there?

A. I have a copy, sir.

MR. WILSON: This report will be Exhibit 149, in 147.

THE COMMISSIONER: Yes.

Q. And was he present at the briefing -- was Scott present at the briefing?

A. Yes, sir.

Q. Now, it has been stated in evidence by Wright that you made the recommendation for promotion to Corporal -- promotion of Wright to Corporal in August of 1959. Is that correct?

A. That is correct, sir.

Q. And did you prepare a report setting out the reasons why you recommended his transfer out of the Anti-Gambling Branch?

THE COMMISSIONER: Do you want that witness in the court room?

MR. WILSON: Well, I think he should possibly be removed for the moment.

THE COMMISSIONER: Have that witness retire until we want him.

MR. WILSON: Q. Is this the report you prepared?

A. Yes, sir, it is.

THE COMMISSIONER: What report is this?

MR. WILSON: We had better file the original report.

Q. Have you a copy of it there?

A. I have a copy, sir.

MR. WILSON: This report will be Exhibit 172, is it?

THE COMMISSIONER: Yes.

Q. And was he present at the hearing -- was Judge Spencer at the hearing?

A. Yes, sir.

Q. Now, it has been stated in evidence by Mr. Hughes that you made the recommendation for promotion to Corporal -- promotion of Judge to Corporal in August of 1969. Is that correct?

A. That is correct, sir.

Q. And did you produce a report

[illegible] to the Director why you recommended Mr. Hughes for the Anti-Corruption Squad?

[illegible] in the court room?

MR. [illegible]: Well, I think he should [illegible] be required for the answer.

THE CONSTABLE [illegible]: Have that witness [illegible] would be more [illegible].

MR. [illegible]: Q. Is this the report you [illegible]?

A. Yes, sir, it is.

THE CONSTABLE [illegible]: Does report in [illegible]?

MR. [illegible]: He had [illegible] file the [illegible] report.

Q. Have got a copy of it there?

A. I have a copy, sir.

MR. [illegible]: This report will be marked [illegible], in [illegible].

THE [illegible]: Yes.

---EXHIBIT NO. 172: Report of Sgt. J. M. Anderson re reasons for transferring Constable R. J. Wright out of Anti-Gambling Squad.

THE WITNESS: I might enlarge on that, Mr. Wilson. This report was just recently prepared, although the incidents in this report were verbally reported to Assistant Commissioner Kennedy.

MR. WILSON: Q. At the time?

A. At the time.

Q. When you say "at the time", you mean just prior to -- at the time of the events described or at the time of the transfer?

A. No, prior to the transfer. During the period of time from August 24 through to December, 1959.

Q. And it has been given in evidence, and I think you heard it this morning, by Wright that he received a letter of commendation about his work, which has been filed as Exhibit No. 170, I think.

A. Yes, sir.

Q. Would you just show that to the witness.

---Document handed to the witness.

Q. And that you were asked about this at the trial of Wright and denied there was any such letter. What do you say as to that?

A. I don't recall denying that there

was such a letter. If I had of done, then I was wrong. As I recall the question put to me at the trial by Mr. Hartt, I believe it was Mr. Hartt, was that this officer had worked so many years on the force and had never received a commendation, to which I replied that I had been eighteen years on the job and had never received one myself. In that, if I left the impression, that he had never received one, then I was wrong.

Q. Well, as of August of 1959 you were --

THE COMMISSIONER: 1958.

MR. WILSON: Q. When did you recommend him for promotion?

THE COMMISSIONER: Oh.

THE WITNESS: It was '59, sir.

MR. WILSON: Yes.

Q. Then, after that recommendation was made for his promotion you, for certain reasons, changed your mind about his capabilities as an officer?

A. Certain things happened that lead me to believe that there was something wrong, and these I reported to Assistant Commissioner Kennedy.

Q. What were they?

A. Well, the first was on August the 24th raid in connection with the Centre Road Veterans Club, Toronto Township. I had prepared

to raid these premises on the evening of the 21st. Constable Wright at that time was on annual leave. The raid did not take place due to the fact two officers had gone to the Niagara peninsula and didn't return until too late. Sunday evening I telephoned Constable Wright, knowing he had returned from his annual leave and was due in on the Monday. I told him we were going to raid the premises and told him to come along. During this raid, by the way, -- I mean, the results were interesting. But, during the course of the investigation one of the officers -- one of the four officers - that is, Wright, Moore, Scott and myself. Which one found them I do not know but in the basement, on the west wall, there were small openings in the form as a youngster would place blocks, and that is the way the bricks were. And, through the openings, we could see, I believe it was, there were four dice lying inside on the mound of dirt. It was in an unfinished part of the basement on the west side of the wall. It was discussed whether to break the wall down or not, and I was against it. For this reason, that it seemed that these dice had been thrown in there to dispose of them. I felt that if they were left there and on the next raid we were to find more dice in there then it would come under the presumption section, as a place of disposing of dice, and we would have a better chance of charging dice on the premises.

The next time we raided this part of the wall had been enclosed with a wood -- I believe it was a sheet of plywood on which had been moved the hydro meter and the fuse box.

Later, after the raid, Commissioner Clark and two officers who work on the morality in the city of Hamilton, both informed me that 20 minutes prior to the raid the business men in the club had been told to leave.

Q. This is the raid on the 23rd?

A. Sunday, the 23rd into August the 24th; that is right.

Q. So the business men had been told to leave 20 minutes before the raid occurred?

A. That is correct, sir.

I checked with them -- with the two Hamilton city morality officers - they had good contacts - and that same information had not been made -- that is, the warning, had not been given on the Friday night, which was also a planned raid.

Q. On Friday night you had your warrant?

A. I obtained a warrant.

Q. But you did not carry out the raid because of the fact certain officers who were to be part of the raiding party did not return from other work?

A. That is right.

Q. And on the Friday night raid Wright was not present and had no knowledge of it?

A. That is correct.

Q. But on Sunday night he was part of the raiding party?

A. Yes.

Q. And on the Friday night there was no warning given to the business men to get out?

A. That is right.

Q. From what part of the building could these dice have been thrown out or dropped to be in the position where you saw these dice?

A. Oh, a person would have to go to the basement to do that.

Q. Now, did you have any other reasons for your suspicion of Wright?

A. Well, on September the 9th, it was the date I met Mr. Frank Gardner at Bay and Queen's Quay and talked to him, I had a tape recorder strapped to my leg and which Wright -- Constable Wright was the only man that knew of it. Now, Mr. Gardner at that time made arrangements that - this was I believe on Wednesday - he made arrangements that he would 'phone me on the following Monday. He 'phoned me on the Friday and stated that -- he used the word "a reaction". I inquired at that time if he meant a heart, because he was supposed to have a bad heart, and he said no, that he had been contacted and that the party knew about our meeting at Bay and Queen's Quay.

Now, although there were no names mentioned, he left no doubt in my mind that it was McDermott

Q. Was on Tuesday night he was part of the rioting party?

A. Yes.

Q. And on the Tuesday night there was no warning given to the twelve men to get out?

A. There is night.

Q. From which part of the building could these fires have been thrown out or dropped in to the building where you had been?

A. Oh, a person would have to go to the top to do that.

Now, did you have any other conversation with Dawson?

A. Well, on Thursday the 12th, it was the date I met him. Dawson discussed at that time my relations to Lim, I had a very reasonable discussion to my leg and which indicated -- Dawson's thought was that Lim had been at fault. Now, Mr. Dawson at that time made a challenge where then - this was I believe on Wednesday - by some investigation that he would inform me on the following Monday. He phoned me on the Friday and stated that -- he used the word "a connection". I inquired as to what that is he meant a fight, because he was accused to have a bad temper, and he told me, that he had been convinced and that the jury had been right and anything at the end (inaudible).

Now, regarding the question of [illegible], he left no doubt in my mind that he is not responsible

that had contacted him.

It was not until later, in December, when I visited Mr. Gardner at his residence in the city of Windsor, that he remarked as I entered the door -- he asked me if I had the machine on me, and referring to the service revolver which is issued, he said, "No, I don't mean that; I mean a tape."

Q. So that he knew about the tape?

A. He knew about the tape, yes, sir. There was no mention of the tape at the original meeting.

Q. Were there any other grounds that you had for your suspicion?

A. Well, we have spoken of the October 23, 1959, raid.

Q. By the way, on that raid I think you learned from the New York State troopers that they had a transcribed conversation picked up -- a transcribed conversation of a tip off?

A. That is correct, sir.

Q. Because that was a jointoperation between the O. P. P. and the other forces here and the New York State Police.

A. The New York State Police had planned these raids for a couple of years and they trusted me and the Branch to carry out, with the assistance of the TorontoCity Police, some raids in this area, including Guelph, the city of Hamilton and the city of Toronto.

Q. And the tip off was from Toronto

from a person known as Slow. Is that right?

A. That is correct, sir; the Acme Social Club on Dundas Street.

Q. And we will have other evidence on that later, Mr. Commissioner. By reason of these suspicions you, I think, had something to do with the transfer of Constable Wright to Belleville?

A. Well, these suspicions, I did report, as I said, to Assistant Commissioner Kennedy; and based on that Constable Wright was transferred.

Q. With what thought in mind?

A. With the evidence we had that we couldn't accuse Wright, as they were only my own suspicions, and with the transfer to Belleville, that if he was in the pay of McDermott then perhaps he would make a contact with someone else, and if not then no harm had been done because he had not been accused of anything.

Q. You have in this report we have filed as Exhibit 172 set out pretty well what you have just told us now in the witness box?

A. Yes.

Q. With one exception?

A. With one.

Q. And that exception being something that happened after the transfer?

A. Yes, sir.

It was on February the 4th, 1960, I attended the Centre Road Veterans Club with Inspector Farrell of the Fire Marshal's Department, and

Mr. McDermott was on the premises at that time, and prior to leaving we had a bit of a discussion, at which time I first learned that he was interested in a gold mine in the Port Arthur region. He spoke about gold, the price of gold and how the price would fluctuate from time to time. McDermott, looking at me with a big grin on his face, said, "John", he said, "See, John, even a leak there", which to me meant that he knew perfectly well what had been going on in the Branch and that we had found out about it.

Q. That is all for the moment, thank you.

THE COMMISSIONER: Any questions, Mr. MacKinnon?

MR. MacKINNON: Yes.

EXAMINATION BY MR. MacKINNON:

Q. Just in connection with the witness who has just preceded you and will be going back in the box, Sgt. Anderson. I have your diary for 1960, April the 29th. I wonder if you would explain to the Commissioner what raid was made on that day and the circumstances surrounding it?

A. Yes, sir.

There were two raids made on that particular day. One was to the premises at 89 Pine Street and the other to Roy's Men's Wear,

located on the main street in Thorold.

THE COMMISSIONER: Q. Roy's Men's Wear?

A. Roy, sir.

From the information that Constable Scott had obtained from Wright in connection with --

MR. MacKINNON: Q. You were aware of that information at that time?

A. Oh, yes, sir.

Q. Yes?

A. Relevant to Mr. Lamorie and Lawrence. Raids were planned on these two premises without their knowledge. Warrants were obtained.

THE COMMISSIONER: Just a moment.

Q. Yes?

A. Warrants were obtained by other officers and arrangements were made that just prior to leaving Lawrence and Lamorie would be informed of our destination and the premises to be raided.

Q. And they would go on the raid?

A. They would go along on the raid, my Lord.

Arrangements were also made that as soon as they were informed and one of them left the office - that is, our back office - then I would be informed in the second office, or my own office at that time.

Lamorie left and proceeded towards the centre of the building where is located the

cafeteria. I followed at a short distance behind him. He purchased a package of cigarettes and asked for quite a bit of change. I come in behind him, made a small purchase, and left the doorway on the east side of the cafeteria and proceeded towards the front of the building. Constable Lamorie left the doorway -- the west door of the cafeteria and also headed up the hallway there towards the front of the building. I stood at a cross hall. With his head down he was in quite a hurry heading towards the front where there was located pay telephones on the main floor. As he passed the hall he happened to notice me standing there and stopped with a jerk and then returned to the office.

MR. MacKINNON: Q. Were those gentlemen watched thereafter prior to the execution of the warrant?

A. Well, we left them to carry out our raid. Yes.

Q. But these two gentlemen were not out of sight of either yourself or Moore from the time they were advised that the raid was going to be made until the raid was actually carried out?

A. No, sir, they weren't.

Q. And that raid was Petrochenko's?

A. Petrochenko was one - that is, Roy's Men's Wear - and 89 Pine Street.

Q. Was he convicted as a result of

[illegible]. I followed as a minor [illegible]
[illegible] [illegible]. He [illegible] a [illegible] of [illegible]
and served for quite a lot of change. I mean it
[illegible] [illegible], [illegible] a small [illegible], and [illegible] the
[illegible] on the [illegible] side of the [illegible] and
[illegible] [illegible] the front of the building.
[illegible] [illegible] [illegible] the [illegible] — the [illegible]
door of the [illegible] and also [illegible] up the
[illegible] [illegible] [illegible] the front of the [illegible].
I [illegible] to a [illegible] hall. With her head down
he was in quite a hurry heading towards the
front where there was located my [illegible]
on the main floor. As he passed the hall he
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
with a jerk and then [illegible] to the office.

MR. MULLIGAN: Q. Then [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
of the [illegible]?

A. Well, we just [illegible] to [illegible] out
[illegible] [illegible].

Q. [illegible] [illegible] [illegible] [illegible] [illegible]
one or right or either [illegible] or [illegible] from
the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] to be [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

A. No, sir, they [illegible].

Q. And [illegible] [illegible] [illegible]?

A. [illegible] [illegible] [illegible] - [illegible],
[illegible] [illegible] - and [illegible] [illegible].

this raid?

A. Petrochenko was convicted.

Q. I would like to read to you from Constable Scott's report referring to a telephone conversation he had on May the 2nd with Joseph McDermott. He says McDermott told him as follows, among other things:

"I was told about the raid on "PETRYCHANKO. PETRYCHANKO was one of the "bookmakers the other guys were looking "after and he was pretty mad about being "caught. Lamorie told his contact that "Sergeant Anderson was suspicious and that "when Lamorie went to use a phone by the "coffee shop (this would be the public "phone in the lobby) Sergeant Anderson "was following him. This has got Lawrence "worried sick."

That is a pretty accurate acount of what you did do, isn't it?

A. Yes.

Q. So Joseph McDermott's information was accurate?

A. Very accurate.

Q. And he, of course, did not get that information from you?

A. Definitely not.

Q. Did you listen in on any of the telephone conversations between Scott and McDermott?

A. I did on one occasion, yes.

Q. Do you remember whether there was any mention of Lawrence's name? Lawrence or Lamorie?

A. Lamorie's name was mentioned but Scott told McDermott that Lamorie was trying to get a patch across the river. McDermott asked Scott to try and stop him from doing this.

THE COMMISSIONER: Just a moment.

Q. Get a patch across the river?

A. Yes. We took that to mean the Niagara River in the States -- New York State.

Q. What did you say about McDermott?

A. McDermott asked Scott to try and stop Lamorie from doing this.

Q. Well, I do not quite understand. Lamorie was trying to get a patch in Niagara Falls, New York?

A. That is right, sir. At that time the heat -- in 1959 the heat was on in New York state and we had one occasion when a really big bookmaker moved over into our territory, and perhaps as a indication that more of them were going to come over here, and he would sell them the protection so they could come and operate in Ontario.

Q. The patch, geographically, was to be in Ontario?

A. Well, that, as I say, that is my

A. I did on one occasion, yes.

Q. Did you remember whether there was any mention of Lawrence's money, Lawrence or Lawrence?

A. Inasmuch as the matter had been left with Sonny and Sonnie and Lawrence and Lynn, it was a joint account, the money among Sonny, Lynn, Lawrence and Lynn, Sonnie and Sonny.

THE CONSTABLE: Just a moment.

Q. Did a person access the money?

A. Yes. We have when I am authorized signer in the Citizens -- New York State.

Q. What did you find out?

A. Lawrence wanted to buy and start a business from doing this.

Q. Well, I do not quite understand. Lawrence was trying to get a patent in Washington, New York?

A. There is right, sir. At that time the book -- in fact one book was on in New York where and we had one occasion when a month ago, Lawrence moved over into our territory, and business is a business that most of them were willing to come over here, and he VOTED and that the conversation as they would come and operate in Sonnie.

Q. Lawrence, respectfully, was a [illegible] in Sonnie?

A. Well, Lawrence, as I saw, then in a

assumption of what it would be.

MR. MacKINNON: Q. Ultimately.

A. They couldn't sell him protection over in New York state.

THE COMMISSIONER: That is the part I could not understand.

MR. MacKINNON: This was to encourage immigration.

Q. Then, there was a tape recording made of a call between Joseph McDermott and Constable Scott on May the 16th, 1960. Is that correct?

A. There was a tape recording. Now, the exact date I don't recall.

Q. You heard that tape recording?

A. Yes, I have heard it.

Q. To your recollection, Lawrence and Lamorie are mentioned in that tape recording by McDermott?

A. To the best of my recollection they are.

Q. I think we can have that put in through Scott. It does affect the next witness -- or, the witness who continues to be in the box.

Did Constable Lawrence tell you in the spring of 1960 that his wife had inherited a thousand dollars?

A. Yes, sir, he had mentioned that.

Q. And was it in 1960 he mentioned

[illegible] of mere 17-world Inc.

MR. BLACKWOOD: Q. (MISSING)

[illegible] Long-sighted well-to-[illegible]

owner in New York state.

MR. [illegible]: Does so the need I

would not understand.

MR. BLACKWOOD: This was to encourage

[illegible].

A. Then, there was a large [illegible]

mass of a well known [illegible] Economic and

[illegible] Short on May 4th 1966. In

[illegible]

A. There was a large [illegible]. Now,

the events date I don't remember.

Q. You [illegible]

A. [illegible] X [illegible] 1?.

Q. Do your [illegible]. Because

[illegible] [illegible] is [illegible]

[illegible]

A. In the [illegible] of my [illegible]

[illegible]

Q. I think we [illegible] [illegible] in

[illegible]. Is [illegible] [illegible] [illegible]

-- or, the [illegible] [illegible] [illegible]

[illegible].

Did [illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible] or [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]?

A. Yes, sir, [illegible] [illegible].

Q. [illegible] [illegible] [illegible] [illegible]

this to you?

A. Now, that I couldn't say, whether it was 1960 or late 1959; but, the fact is, he did mention it.

Q. We have also heard from Constable Scott about the Alpine Club in which Lawrence and Lamorie were supposed to have an interest. Do you know what connection Lawrence had with the Alpine Club?

A. No, I don't, sir.

Q. Do you know whether he had any relatives positioned in that club?

A. He was supposed to have had an uncle.

Q. Did you do any checking up on this particular aspect?

A. No, I didn't. I believe Inspector Grahm did and the facts were turned over to the Toronto Morality at a later date.

Q. One other question: Was it to you Lawrence and Lamorie handed in their resignations?

A. Yes, sir.

Q. Did they give any explanation of why they were resigning when they handed them in to you?

A. No, they didn't. It seemed like a pre-arranged agreement between them. Lawrence had been in before the Commissioner on the Monday and had been served with a notice of suspension and I had been -- I had received a notice of

Mr. Ex Pres.

A. Now, when I counsel's say, whether it was Lord or Duke Ajuto's bus, the Duke is, he did murder 12.

Q. Do you know Lord Ajuto's [illegible] Duke Ajuto Club in which Lorenzo and Lucrezia were supposed to have an interview? Do you know what connection Lorenzo had with the Duke Ajuto?

A. No, I don't, sir.

Q. Do you know anything as to any relations positioned in that club?

A. He was supposed to have had an [illegible].

Q. Did you do any checking up on this [illegible]?

A. No, I didn't. I believe Jackson or Fuller did and the facts were presented over in the FEDERAL BUREAU OF INVESTIGATION.

Q. Can either Lorenzo or Lucrezia be positive and Lorenzo located in that particular [illegible]?

A. Yes, sir.

Q. Did they give any explanation as why they were [illegible] when they [illegible] in the [illegible]?

A. No, they didn't. It seemed like a [illegible] [illegible]. Lorenzo had been in Europe the [illegible] in the [illegible] and had been [illegible] with a number of [illegible] and I had been -- I had received a [illegible] of

suspension for Lamorie and they both came to my house. I tried to see them to serve it and Lamorie and Lawrence came to my residence and when I produced the notice of suspension each man reached into his inner pocket and pulled out a slip of paper and handed it to me, on which was their notice of resignation.

Q. They were there together?

A. They were there together.

Q. Did you see Lamorie at that stage --

THE COMMISSIONER: Just a moment.

A. Wright had been arrested on the 28th?

A. Yes, sir.

Q. And this was on the 30th?

A. Lawrence was in before the Commissioner on Sunday, the 29th, and I believe this was Monday, the 30th, my Lord.

MR. MacKINNON: Q. Lamorie had not, as yet, received his notice of suspension?

A. That is right.

Q. But he had a resignation already typed out in his pocket?

A. As I recall, I believe it was written out, longhand.

Q. So, at the time he came to your house he must have been suspecting the worst?

A. Well, the fact that Lawrence had received his notice, I guess he figured his was coming.

Q. Nobody else came in with their resignations that morning?

A. Oh, no; those were the only two.

Q. It was in the evening, was it?

A. It was in the evening.

Q. Thank you.

EXAMINATION BY MR. SHIME:

Q. I just have a few brief questions, Sergeant. There is something I do not understand about your report. You say on February the 4th, 1960, when you were with the Fire Marshal and you were speaking to McDermott, you said:

". . . he spoke of a gold mine he "owned, the price of gold and the "fluctuating price. Looking at me and "laughing he said, 'Joe John even a "'leak there'."

Now, why would that make you suspicious?

A. Well, I had been suspicious of Wright and he had been transferred on those suspicions.

Q. This would arise out of a conversation about a gold mine?

A. That is right. It was the price of gold. Evidently some word got out about the price of gold and that would effect the price and it would go up or down.

Q. Did he say he was getting knowledge

Q. Nobody else came in with them [illegible]

A. No, just where were the only [illegible].

Q. It was in the evening, was it?

A. It was in the evening.

C. Thank you.

[illegible]

[illegible] XX Mr. Kyong:

Q. I just want a few [illegible], Corporal. Since in connection I do not understand about your account. You say on Saturday the 4th, 1960, when you were with the five accused and you were speaking to Kaimowitz, you said:

'. . . the spoons of a gold mine in Canada, blue prints of gold and the [illegible] processing prices. Looking at the [illegible] machinery be sold, 'you then came a [illegible] Canada.'

Now, did you say that [illegible]

A. Well, I had been [illegible] of [illegible] and he had been transferred on [illegible].

Q. Then could [illegible] out of a [illegible] when about a gold issue?

A. That is right. If we [illegible] of gold. [illegible] the prices of gold and that's [illegible] the prices used to world up or down.

Q. Did he say he was getting [illegible]

about the price of gold before the public got it?

A. I wouldn't put it in that term but he spoke about the fluctuation - in fact, that is the word he used - about the price of gold, and you have to know McDermott, and he had quite a big laugh on his face, and he said, "See, John, even a leak there".

Q. In your report you mention a person known as Slow. Is there a person known as Slow connected with a gambling club in Toronto?

A. Slowstein.

Q. What club is that?

A. That is the Acme Social Club on Dundas Street.

Q. Where would he get his knowledge about the raid?

A. Well, I don't know.

I had gone to see on October the 23rd -- I had gone to see Inspector Walker, I believe it was between 9.30 and 10.30 a.m. Raids were planned that day throughout New York state and here for three p.m. Wright asked for permission to leave to obtain a haircut after I returned, which put it after 10.30, sometime going on 11.00. The New York state troopers had, as they can do legally, a wire tap and recording set up on this particular premises, and they had kept it under observations. Around this hour they had double-checked the premises and found the car gone,

which was not consistent with their observations. So, therefore, they --

THE COMMISSIONER: Q. What do you mean by that, "the car had gone"?

A. Pardon me, my Lord. This fellow's automobile had left the premises where he operated from - that is, the bookmaker.

Q. What do you mean, it was not consistent with their observation?

A. Well, over a period of time, as I say, they have had these places under observations, for months, some of them years, and the car is always there but now it isn't.

Q. Yes?

A. So, they immediately check the tape recorder and play it back and they recorded this conversation from Slow here in Toronto.

Q. What is the name of the man in New York state?

A. Oh.

THE COMMISSIONER: Suggest it to him, Mr. Wilson.

Q. Martinelli?

A. It sounds something like that. He was connected with Norman Joseph, who was eventually caught here in Toronto.

MR. SHIME: Q. Do you know if Slowstein had any connection with Feeley and McDermott?

A. I don't know.

EXAMINATION BY MR. MacKINNON:

Q. I have just had an opportunity of looking at Exhibit 172, which is this report dated May 26, 1962. I have now had an opportunity of reading it, which I did not when I was examining. On the second page of that, Sergeant, the last two paragraphs. There is no date on this or what it has reference to:

"With Assistant Commissioner "Kennedy I attended a meeting with "Commissioner Clark in his office. "I was shown a letter which had been "received from the mayor of Niagara Falls, "Mr. F. J. Miller, through the Department "of the Attorney-General. I was "instructed to proceed to Niagara Falls "and contact Mr. F. J. Miller and to "treat the matter with the strictest "confidence. I informed no one of my "destination."

First of all, when did this happen?

A. The exact date -- It was in '59, the fall of '59.

Q. And did it have anything to do with the gamblers and Feeley and McDermott, this letter?

A. No. The letter didn't.

Q. Well, what significance did it have, that Wright, as you say in your next paragraph, saw a copy of your report on this and said or

exclaimed, "Oh, I heard about that"?

A. Well, there was only the Commissioner, Assistant Commissioner Clark (sic) and myself who knew about it.

Q. Yes?

A. And yet Wright knows about it.

Q. From whom would he have got that information?

A. Well, that I don't know.

Q. I thought you said this particular episode had nothing to do with gaming houses?

A. Well, my meeting with the mayor in Niagara Falls had nothing to do with McDermot and Feeley. It was on request, as to how the Branch operated, whether the Chief Constable - in this particular instant whether Chief Constable Paye - would ask us to come in and raid premises or would we go there on our own.

Q. I see. And this was a letter which the mayor had sent to the Attorney-General's office?

A. That is correct.

(page 5940 follows)

Q. And they in turn had forwarded it to Commissioner Clark?

A. That is right, and with Assistant Commissioner Kennedy, I read the letter in Commissioner Clark's office.

MR. MacKINNON: All right, thank you, Mr. Anderson.

EXAMINED BY MR. ROSE:

Q. With respect to that letter of commendation evidence you gave at the trial of Wright, Feeley and McDermott, the second trial, aside from Mr. Ford asking you some questions, do you not recall that you were cross-examined by Mr. - by Mr. McDermott, in respect to this letter of commendation?

A. No, I don't, Mr. Rose.

Q. You do not recall being cross-examined by him at all in respect to that letter?

A. No, I cannot recall being cross-examined by Mr. McDermott.

Q. About that letter?

A. No, I don't.

Q. None at all?

A. As I say, if I said no to it then I was wrong.

Q. And they in turn had forwarded it to Constantinople?

A. That is right, and with Ambassador Lowenfeld, I read the letter in question to Stalin's office.

Q. Mr. Chairman: All right, thank you, Mr. Anderson.

Q. Now, just one other matter. It was on May 28th, was it not, of 1960, that Wright was arrested?

A. That is correct, Saturday May the 28th.

Q. All right. Now, when did Lawrence-when was Lawrence verbally informed that he was suspended?

A. Well, he was called in before Commissioner Clark and Assistant Commissioner Kennedy on Sunday, May 29th, in the morning. Sunday, ~~May~~, May the 29th.

Q. And was told that he was suspended?

A. Yes, I believe he was. I mean I wasn't in --

Q. Was he given his notice of suspension at that time also, or was that delivered to him later?

A. No, I believe I delivered that to him later.

Q. I beg your pardon?

A. I believe I delivered that to him later.

Q. All right. Now, when was Lamorie told verbally that he was suspended?

A. Well, it runs in my mind that it was possibly on the Monday.

Q. What night was it that the two of them appeared at your house?

A. I believe it was the Monday, but

Q. Now, just one other question. If one or two girls, one is not, or isn't, that might be correct?

A. That is correct, including Mr. [illegible].

Q. Mr. Hammond. Then, after Mr. [illegible] when was Lawrence verbally informed that he was suspended?

A. Well, he was called in during [illegible] Mary and Lawrence [illegible] Monday or Tuesday, Mr. [illegible], in the morning, [illegible] the [illegible].

Q. And was told that he was suspended?

A. Yes, I believe he was. I mean I don't [illegible] --

Q. Was he given his notice of suspension at that time also, or was that delivered by his [illegible]?

A. No, I believe I delivered that to [illegible].

Q. I see your question?

A. I believe I delivered that to him [illegible].

Q. All right. Now, when was Lawrence [illegible] of his suspension?

A. Well, it came in my mind that it was [illegible] on the Monday.

Q. What night was it that he had [illegible] from suspension at your house?

A. I believe it was the [illegible], the

my diaries - diary should show whether it was Monday or not.

Q. And at that time you had a written notice of suspension there for Lamorie?

A. That is correct, the same as Lawrence had received.

Q. So at the time that Lawrence and Lamorie appeared at your premises they both had already been told they were suspended?

THE COMMISSIONER: No.

A. No, Lawrence.

THE COMMISSIONER: Lawrence had been told on Sunday.

MR. ROSE: Lawrence had been told on Sunday.

A. Lawrence had actually been told --

Q. Yes. When was Lamorie told?

A. -- and had already received it.

Q. About the suspension?

A. That is correct.

Q. You say you had the written notice of suspension in your pocket regarding Lamorie?

A. I received it at - pardon me. I had it in my pocket when.

Q. Well, when did you first get it from your pocket?

A. Well, I had it at home with me when they were there. I had it with me at my residence.

Q. That is the day they both came to

g direction - clearly showed some evidence of the
[illegible] or [illegible].

Q. And on that time you had a
[illegible] [illegible] [illegible] [illegible]

Q. That is correct, did you have an
[illegible] and [illegible].

Q. Do you view this [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
already been this [illegible]?

[illegible] [illegible].

A. No, [illegible].

THE CONSTABLE: Lawrence had been [illegible]
on [illegible].

Q. [illegible] [illegible] [illegible] only [illegible]
[illegible].

A. Lawrence had actually been hold ---

Q. That been [illegible] [illegible]?

A. -- and then [illegible] [illegible] [illegible].

Q. About this [illegible]?

A. That is correct.

Q. Then why you had the [illegible] [illegible]
of [illegible] [illegible] [illegible] [illegible] [illegible]?

A. I [illegible] it [illegible] - [illegible] [illegible].
and it is my [illegible] [illegible].

Q. Only [illegible] [illegible] [illegible] [illegible]
from your [illegible]?

A. [illegible], I [illegible] it [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. I [illegible] [illegible] [illegible] [illegible]
[illegible].

Q. What is [illegible] [illegible] [illegible] [illegible] [illegible]

your home?

A. That is correct.

Q. When did Lamorie receive a verbal notice of suspension?

THE COMMISSIONER: Did he ever receive a verbal notice of suspension?

A. It is quite possible he did, my lord, because he had appeared - gone before the Commissioner and the Assistant Commissioner, the same as Lawrence had, but I wasn't in on that.

MR. ROSE: Now, may I take it that in all probability, in the case of Lamorie, and certainly in the case of Lawrence, that when they appeared at your house they both knew that they had been suspended?

A. I think that would be fair, yes.

Q. Sure. So it wasn't a question of them coming up with resignations prior to being told that they were suspended?

A. Well, it was the way that it was done, that I had an envelope with Lamorie's suspension notice in it, and I handed it to him. When he opened the envelope, and read it, then almost automatically they each reached in and produced their resignations.

MR. ROSE: That is fine, thank you.

THE COMMISSIONER: Mr. Wilson, anything else.

MR. WILSON: No, that is all, thank you.

---The Witness withdrew.

MR. WILSON: I will recall --

WILBERT COWAN BARTON LAWRENCE, recalled.

EXAMINED BY MR. WILSON:

Q. We were discussing the meeting you had with Wright and Scott on May 17th at the Earl French Club.

A. Yes, sir.

Q. Now, up to that date, had you any knowledge of any tip-offs to any gaming establishments?

A. I did not.

Q. On any of the raids that you had made with the squad was there any indication of tip-offs?

A. The only one that I can know of which appeared to be a tip-off were where they appeared to know we were coming, or in connection with an under cover investigation I conducted in the city of Hamilton and there were three major clubs there. I was successful in gaining - in gaining entrance to. I worked there undercover for a period of approximately five months.

Q. What year was this?

A. 1957, and at the conclusion of my

BB2/GS

investigation there, we planned a raid. I believe it was on a Friday night, and I understand there were some 50 uniformed Provincial police officers recruited to assist the Anti-gambling Branch at that time, and I was given various sums of marked money to take into the clubs on this Friday night, prior to the raid, and distribute about.

Well, I went to the club, the first club I went to on Friday night the doors were wide open.

THE COMMISSIONER: The name of it? The name of that club?

A. I think it was the Central Bridge and Social Club. I went there, and the doors were wide open. It was unusual. Normally there are three locked doors you have to go through to gain entrance to the gambling establishment. They were wide open, and when I proceeded up to the second floor where the club was located, there were some 30 persons sitting around reading and watching television, and so forth, and it was quite obvious that something was in the wind. He - Sergeant Anderson, I believe, mentioned to me that he thought possibly some of the police officers, the great amalgamation of police officers in that area might have been noticed, however, I don't know what happened; but the second club I went to, the procedure there was to --

THE COMMISSIONER: What was the name of it?

A. It was the Porcupine Bridge and Social Club on John Street in Hamilton; and when I went there, the procedure to gain entrance to that was to ring a buzzer over the door, to look through a plate glass window, and the man stationed at the top of the stairs, at the second door, he looked down, if he recognized you, he would admit you. Well, this particular night that I was there the door was locked. I rang the buzzer, I looked through the window, and that gentleman, I believe his name was James Agnew, he motioned to me in this manner (indicating) to - to go away, I presume, but I continued to ring the buzzer, indicated to him I wanted him to open the door, which he did. Finally he opened the door, by pressing the buzzer at the top of the stairs. This is an electrically controlled door, and when he opened the door I shouted upstairs whether there was any action, or something to that effect. He replied no, and with that other police officers entered, and we conducted an investigation, and arrested various persons.

MR. WILSON: Now, this is the only incidence, then, that you saw any indications of tip-offs?

THE COMMISSIONER: Are you referring to three clubs?

A. The other club - actually I was so successful around there I was getting more than I could handle, so Sergeant Anderson brought another undercover agent down there, and I took him into one other club on Barton Street in Hamilton, and he moreorless --

THE COMMISSIONER: What was the name of it?

A. -- took over for me.

THE COMMISSISNER: What was the name of it?

A. I don't recall the name of that one, my lord. I don't recall the name of that one at all. And there was illegal bank dice games being operated in those three clubs. Convictions were obtained against persons involved directly, I would say, as a result of my testimony.

MR. WILSON: Well, now, you have given us examples of where convictions were obtained, and the question I was asking you was as to what your experience there had been in cases of tip-offs when raids were made by the Anti-Gambling Branch.

A. That is the only one that I could-that I can bring to mind, which appeared to be a tip-off. It could have been, yes.

Q. Now, what did you call Wright? What was the nick name? His nickname.

A. Bob.

Q. Or Bobby?

A. Bobby.

Q. Yes.

A. Yes.

Q. And what is your first name?

A. Carman.

Q. Now, I want to read a few excerpts from a transcription of a telephone conversation between Constable George Scott and Joseph McDermott on Monday, May 16th, 1960, whichwas just a few days before the meeting you had at the Earl French Club, and it will be proved in due course. On page 4:

"Scott - Well, I think so, when they
" come like, like when they
" give that stuff, like
" remember you were telling me,
" when we come back from
" Kitchener there.
"McDermott - ---If you hadn't heard that,
" you'd think nothing about--"

Unfortunately there are certain blanks here,

" is that right."
"Scott - Yeah, but the point is they
" did say it. You weren't speak-
" ing directly to them, eh?"
"McDermott -- Well now."
"Scott - No, I got to know that Joe,
" because it means a lot"

"McDermott - What if I told you I was
" talking to ---"

A blank, and then there is apparently something missed.

"Scott - Well you wouldn't do that
" because Carmen wasn't with
" us."

"McDermott - --- the other guy ---"

"Scott - Ha ha, well, I mean, I'd
" like to know that because
" I'm gonna, I'm not going to
" have no part of that I don't
" think. I'm going to talk to
" Bobby about it."

Then on page 7 of this transcription, and it is the bottom of the page:

"Scott - Yeah, well you're right there.
" Well, it's a calculated risk
" let's face it.

"McDermott - That's right and if --- the
" guy sits down and figures it
" all out ---- if you're figur-
" ing it out that way then
" nothing's going to happen.
" I think that Lawrence is
" pretty sensible but ----
" Lamoria ----."

"Scott - Well there is also another
" thing, doggone it if you're
" speaking directly to them

" guys. I don't know, there
" could be possibly an alliance
" too, that would be the
" logical thing."
"McDermott - How do you mean?"
"Scott - Well it could be pooled. If
" there is three of us there.
" Why you know what you always
" say -"
And then on page 8:
"McDermott - But listen bear this in mind.
" Here's the big thing, if some
" one of the three guys ever
" gives in, everybody's gone
" and it's a damn serious
" offence."
"Scott - Yeah, I know that."
"McDermott - It's not, listen all the
" money in the world doesn't
" compensate - I been in this
" game too long, I don't want
" any trouble now. I don't
" want no three officers gett-
" ing up and saying, Oh yeah,
" that's right. What if there's
" a Royal Commission on gambl-
" ing. Here's the thing I
" dread. This is the worst
" thing that could happen. To
" have a Royal Commission and

1 " they call everybody up, one
2 " at a time, on their own.
3 "Scott - Yeah, that's right.
4 "McDermott - What if they call Lamorie,
5 " The Commissioner or the C.I.B.
6 " Inspector calls you guys one
7 " at a time ---- all the
8 " questions you're asked, better
9 " tell the truth because you can
10 " get up to 5 years for lying --
11 " got a lot of evidence to
12 " introduce, a lot of gamblers
13 " have opened up, you don't
14 " know what my evidence is and
15 " you don't know what Bobby's
16 " evidence is, one at a time,
17 " why God you break one guy
18 " down and he starts talking.
19 " And that's the thing you got
20 " to look at, you got to look
21 " at the worst possible side
22 " of it. Isn't that right?"
23 "Scott - That's right. But you see --"
24 "McDermott - A guy like yourself ----"
25 And then there is a break:
26 " going in telling the truth --"
27 and a further break.
28 "Scott - Yeah, well there's a lot of
29 " things to consider. An
30 " alliance possibly, you'd have

" to sit down and thrash it
" out and you'd have to swear
" to hell that you ---"

And then there is a break:

"McDermott - I'm glad I'm not sitting down.
" I'm never going to see
" Lawrence face to face or any-
" body else ---- I'm doing my
" talking on the telephone."

"Scott - Yeah, well that's not what I
" say Joe, I say I'd have to
" sit down with them.

"McDermott _ What about Bob ---- Bob, you
" and ----"

And then there is a break.

"Scott - Well we'd have to include
" the other fellows too ----.
" Have you spoken to Carm?"

"McDermott - Yeah.

"Scott - You have eh?

"McDermott - Yeah.

"Scott - Well that's good because at
" least I know where we stand.

"McDermott - Yeah, but bear in mind that
" I didn't know whether this
" was all a trap or what the
" hell it is. I've been biding
" my time, through that guy over
" there, Sam Balsom ---- this
" guys at a pay phone --- Sam

" Balsom says call this number
" and the guy will answer the
" phone and you can talk to
" him, which I've done ---"
"Scott - Well I'll sit down with
" Bobby to-morrow and we'll
" figure it out. I don't know,
" Carmen, okay you know pretty
" cool calculating."

Now, ~~as~~ you - do you agree with the advice that McDermott gave to Scott about telling the truth at a commission of this kind?

A. Do I agree with it?

Q. Yes.

A. No.

Q. You don't agree with it?

A. No. I would be inclined to certainly tell the truth.

Q. Yes, well I thought he was recommending in the conversation that.

A. To tell the truth?

Q. Yes.

A. Oh, then I would.

Q. Oh you would agree on that?

A. Yes.

Q. Now, that was just the day before this meeting at the Earl French Club. Now, I put it to you that you were at the Earl French Club because you had talked to McDermott, and he told you to go and meet Scott and Wright, and

discuss this matter.

A. That is not the case, sir, at all. That is definitely not the case.

Q. Why would he be talking about you in this case?

A. I am sure I don't know.

Q. You are sure you don't know?

A. I am certain I don't know.

Q. Now, coming back to the meeting on May 17th, Scott swears that you said on that occasion that you and Lamorie had Petrochenko as a patch? Now, is that true?

A. No, sir, it is not true.

Q. Do you know what a patch is?

A. I do.

Q. And it is providing protection for --

A. That is correct, yes.

Q. The gambler, and you knew - you know Petrochenko?

A. I had met Petrochenko. We conducted an investigation of bookmaking at his premises.

Q. Yes.

A. And I saw him there, and I have seen him in the bowling alley, I believe, on one occasion.

Q. Yes.

A. In St. Catharines.

Q. Yes. As a matter of fact he was -

he was convicted - or he was raided on a raid you were not a party to, and as a result of that raid he was convicted, wasn't he?

A. No, sir. I was part of that raid.

Q. You were on the raid?

A. I was, and I helped to compose the report.

Q. And there was no tip-off on that occasion, was there?

A. There didn't appear to be.

Q. No.

A. No.

Q. And then afterwards did you say that you and Lamorie, or one or other of you would have to pay the fine, or would pay the fine?

A. Certainly not.

Q. You deny that?

A. I do deny it.

Q. Well, we will come to that in a moment. Now, again on the 17th of May Scott swears that you said Lamorie was after all the patches he can get. Did you say that or not?

A. I did not.

Q. Did you have any discussion about patches at all on that occasion?

A. No, sir, nor on any other occasion that I can recall.

Q. You didn't discuss patches at all on that occasion?

Q. Do you convalesce - or do you consider yourself a proud man because such a lovely Sir, has an a result of your work in the convalescent, wasn't it?

A. No, sir. I was just as lost proud.

Q. You were so lost proud?

A. I was, and I helped to convalesce the result.

Q. And there was no flowers or bouquets on Sunday?

A. There didn't appear to be.

Q. No.

A. No.

Q. And then afterwards did you ever say that you were not involved, or was so close of you would have to say the time, or would say the time?

A. Convalescing man.

Q. You doing that?

A. I do don't it.

Q. Well, we will come to that in a moment. Now, again on the 12th of the month convalescent you'll know Saturday was either his wife or was so sick. Did you see that wife?

A. I did not.

Q. Did you have any discussion about problems of his or that convalescent?

A. No, only that he has other problems that I can recall.

Q. You didn't discuss matters at all in the convalescent?

A. No, sir.

Q. You didn't discuss protection?

A. I did not.

Q. And you didn't discuss Petrochenko?

A. No, sir.

Q. And then Scott swears that on that occasion that you said that you would like to have only the clubs to look after with remuneration of $500 per month for each man, that is for Lamorie and yourself.

A. Well, that is not true, sir.

Q. You deny - you swear on oath that you did not say that?

A. I do.

Q. Or anything -

A. I swear that.

Q. Or anything like that?

A. Or anything like that, or could even construed to be that.

Q. Now, on that same occasion Scott swears that you said that Lamorie and yourself originally went to Sammy Balsom to obtain patches. Did you say that?

A. I did not.

Q. You deny that under oath?

A. Under oath, sir, certainly.

Q. Now, on that same occasion Scott swears that you said a member of the senior legal personnel of the Attorney-General's Department was receiving $500 per month from

the fees.

A. I never said any such thing, sir.

Q. Well, did you say anything about anybody in the Attorney-General's Department on that occasion?

A. No, not that I recall.

Q. And did you say anything about fees on that occasion?

A. No, I didn't sir. I don't - if there was any conversation of that nature, I am sure it would remain in my memory.

Q. You are sure it would remain in your memory?

A. I would certainly think so.

Q. Yes, and you say at the time this conversation took place you had only had one beer?

A. Approximately, yes, two at the most.

Q. Yes, so there was nothing to do in the way of drink that would affect your --

A. No.

Q. -- your ability to remember what took place?

A. No, sir.

Q. Now, did Wright say anything about Serip Mitchell's disappearance on that occasion?

A. No, I don't recall anything of that.

Q. You don't recall anything about

Mr. Dunn.

Q. I guess we'd say that [illegible].

Q. Will you be satisfied [illegible] anybody in the Attorney-General's Department on that question?

A. No, not that I recall.

Q. Did you say anything about [illegible] on that occasion?

A. No, I didn't say. I don't - if there was any conversation of that nature, I am sure it would [illegible] in my memory.

Q. You are sure it would remain in your memory?

A. I would remember, think so.

Q. Yes, and you say at the time this conversation - from which you had only had one beer?

A. Approximately, yes, two at the [illegible].

Q. Yes, so there was nothing to do in the way of drink that would affect your --

A. No.

Q. -- your ability to remember what [illegible]?

A. No, not.

Q. Now, will [illegible] mention [illegible] Mr. Lynch's disappearance on that occasion?

A. No. I don't recall anything of [illegible].

Q. Did Mr. Lynch [illegible]

that?

A. No.

Q. Do you recall Wright saying anything about Deputy Commissioner Bartlett on that occasion?

A. No, sir.

Q. Now, what - what was discussed? What were you discussing?

A. I really don't recall. It was just general conversation, small talk, I would say, nothing of importance.

Q. And how long did you stay outside in the car?

A. I would estimate 15 minutes.

Q. Is that all?

A. I would think so.

Q. Have you got a good recollection of that?

A. Well, not good. It is sometime ago, but I had no occasion to remember, but I would be inclined to think.

Q. Did you make any notes of this meeting?

A. No, I didn't.

Q. You haven't got any secret diary?

A. No, sir.

Q. So you are relying on your memory solely, without any notes of any kind?

A. Yes, sir.

Q. Now, isn't it a fact that on that

occasion you told Wright that the only reason you would go to the club to have a discussion was because Scott, in his conversation with McDermott, had suggested that perhaps Lawrence, Lamerie and Scott might get together, because working apart made Scott nervous?

A. No, sir.

Q. Well, was there any discussion about any of the three of you getting together on any project that evening?

A. No, sir, I don't believe there was.

Q. You don't believe there was?

A. No. Certainly nothing relating to criminal actions, that much I am certain of.

Q. Yes, and on that same occasion, did you tell Wright that unless he could show you that some useful purpose would be served, you would not talk business with Wright?

A. I don't recall that, no.

Q. You don't recall that. Do you swear you didn't say that?

A. I swear I didn't say it. I am sure I would have remembered.

Q. You are sure you would have remembered if you said it?

A. Yes.

Q. And how long were you in the hotel, and in the car?

A. I don't know, but I would say approximately half an hour. It could be as much

conversation you told Wright that the only reason you went up to the Alto to have a discussion was because Jerry, in his conversation with Schwartz, had suggested that perhaps Lawrence Jackson had been man yet Superior. Jackson having been some local connection?

A. Why, sir.

Q. Well, you know you discussed about one of the times if you perhaps transmitted to Jerry that message?

A. No, sir, I don't believe so.

Q. You don't believe those words?

A. No. Something nothing relating to criminal conduct, that much I am certain of.

Q. Yes, and on that same occasion, did you tell Wright that unless he could show you that some useful purpose would be served, you would run with business with Wright?

A. I don't recall that.

Q. You don't recall that. Do you mean you didn't say that?

A. I mean I didn't say it. I am sure I would have remembered.

Q. You are sure you would have remembered if you said it?

A. Yes.

Q. And how long were you in the hotel, and in the car?

A. I don't know, but I would say approximately half an hour. It could be as much

as an hour in the hotel, and fifteen minutes, possibly, in the car. Something like that.

Q. Well, what was there that was so important that you had to carry on your conversation outside in the car?

A. There was nothing of importance. As a matter of fact, I was leaving to go home, and Constable Scott followed me, and got in the car, and then Constable Wright come out, and he got in the car. I remember one thing that was said. Constable Scott was - they both appeared to have quite a bit to drink, and Constable Scott had his head down between his legs, and I was concerned about him being sick in my car.

Q. Tell me, how was Wright?

A. Scott, or rather Wright had plenty to drink.

Q. Was he quite able to carry on a normal conversation?

A. I wouldn't say an intelligent conversation.

Q. Well, was there - were you able to carry on an intelligent conversation?

A. Oh, yes, I would say so.

Q. And who were you carrying on an intelligent conversation with?

A. I wasn't. I was able to carry on an intelligent conversation, but actually there was no intelligent conversation there, it was ridiculous small talk, from what I recall.

as we lunch in the hotel, and thirsty drinking, possibly, in the car. Something like that.

Q. Well, what was those kinds were so important that you had to carry on intelligent conversation outside in the car?

A. Those are related to insomnia. As a matter of fact, I was leaving to go home, and Gregorio Samsa followed me, not in the way, see then Gregorio Samsa-like some only, and he got in the car. I remember you asking that was said. Gregorio Samsa was - they both appeared to have quite a bit to drink, and Gregorio Samsa had his head down between his knees, and I was -- [illegible] Samsa did so on.

Q. Tell me, how was weather?

A. Fresh, or rather cool and pleasant.

Q. Was he going back to carry on a social conversation?

A. I wouldn't say an intelligent conversation.

Q. Well, was there - were you able to carry on an intelligent conversation?

A. Oh, yes, I would say so.

Q. And was some you carrying on an intelligent conversation with?

A. I wasn't. I was able to carry on an intelligent conversation, but actually there was no intelligent conversation there, to use relations small talk. Know what I mean?

Q. Yes, and you just - you have no recollection of what was discussed in the car on that occasion?

A. Not other than my asking Constable Scott if he was going to be sick.

Q. That is the only recollection you have now?

A. Yes.

Q. What you did - how did Wright get home that night?

A. I don't know.

Q. What time did you leave the - leave the club premises?

A. Well, I don't know that, but it would be between 10:00 and 11;30.

Q. Well, were the others driving cars?

A. I believe they were. As a matter of fact, it seems to me I was rather concerned about their getting home in their condition, and I think I might have said something to them, but they didn't reply, they just got out of the car, and left.

Q. Well, those were the only things you can remember of what took place in the way of conversation that night?

A. Yes.

Q. And yet you are prepared to swear that none of these things that I put to you were stated by you?

A. I am certain they were not.

Q. Yes, and you just - you have no recollection of such was discussed in the car on this occasion?

A. Not other than my saying Gunnison would if he was going to be sick.

Q. That is the only conversation you have had?

A. Yes.

Q. Did you ever - how did Wright get home that night?

A. I don't know.

Q. When was the last you heard from - have the cops produced?

A. Well, I don't know exactly, but it would be between 12:00 and 12:30.

Q. Well, were the others drinking more?

A. I believe they were. As a matter of fact, it seems to me I was rather concerned about their getting home in their condition, and I think I might have said something to them, but they didn't care, they just got out of the car, and left.

Q. Did Ryan have any money on him?

Q. Do you remember if Black took place in the car of conversation that night?

A. No.

Q. And yet you are prepared to swear that some in fact Black was - I put to you that he was asleep in back?

A. I do not recollect that.

Q. What makes you certain?

A. Because the nature of the conversation is such that it would certainly stick in my mind.

Q. Why? Why? Why would this follow so soon after this discussion between Scott and McDermott?

A. I wouldn't know.

Q. Where both your name and Lamorie's name are under discussion?

A. I have no knowledge of that, sir, whatsoever.

Q. No?

A. I couldn't offer an explanation at all.

Q. Couldn't offer any explanation of that?

A. No.

A/GS

Q. Now, the next day, Tuesday, May the 18th, - have you got his diary for that day? Were you on duty at headquarters?

A. I don't recall. I - my diary would indicate whether I was or not, sir.

Q. And if on the next day, May 18th, Lamorie told Scott that the two of you, that is Lamorie and yourself, were going to pay Petrochenko's fine, would that be true?

A. No, sir.

Q. Or false?

A. It would be false.

Q. And did you consider - the two of you consider paying the fine at all?

A. Certainly not.

Q. So that if Lamoria made that statement, he was lying?

A. He certainly was.

Q. And on May 18th, if Lamoria told Scott that he wanted to obtain a patch for the syndicate from the United States who attempted to get to Corporal Leggett at Crystal Beach, would you have any knowledge of that?

A. No, sir.

Q. And if on May 18th, Lamoria told Scott that you were a partner in the - going half in the Alpine Bridge andSocial Club, would that be true, or would he be telling a lie?

A. He would be telling a lie.

Q. What do you know about the Alpine Club?

A. What do I know about it?

Q. Yes.

A. I know that it was a social club. They held poker games there. I went there on a few occasions myself, on my lunch hour to eat my lunch there, as it was close to where I worked.

Q. And was one of your relatives a partner in that set-up?

A. Certainly not.

Q. Who were the operators of that club?

A. I don't know who the operators of that club were.

Q. You don't know?

A. I don't.

Q. Now --

THE COMMISSIONER: Well, that is the one down near the King Edward Hotel?

MR. WILSON: Yes, behind the King Edward Hotel.

THE WITNESS: Yes.

THE COMMISSIONER: Yes. Well, how did you find out about it?

A. I was invited there.

THE COMMISSIONER: By whom?

A. By either one of two people in the east end, James Kimble, or Fred Taylor, one of those two, I don't recall, and I in turn invited, I believe, most of the members, or all of the members in the Anti-Gambling Branch.

THE COMMISSIONER: What is the name of the people who may have invited you?

A. Fred Taylor.

THE COMMISSIONER: Or?

A. Or James Kimble.

MR. WILSON: And --

THE COMMISSIONER: Who is Fred Taylor?

A. Who is ~~Kruskkwyker~~ he, my lord? I don't know, other than Fred Taylor. It is just a friend of mine.

THE COMMISSIONER: He invited you there,

[illegible]

[illegible]

[illegible]

he is a friend of yours, you must know something about him? You were close enough to him that he gave you an invitation to come to this club.

A. Right, but he was not a close friend, he was a person I knew from playing in various poker games in the east end of the city.

THE COMMISSIONER: Is that all you can tell us about him?

A. Yes, that is all I can tell you about him, my lord.

THE COMMISSIONER: Well, were you on a reasonably intimate - any reasonable intimate association with him?

A. No, I ~~was~~ would not say so.

THE COMMISSIONER: Well, how did it come about that he invited you to go to the Alpine Club?

A. Well, I am not entirely sure that it was him that invited me, but --

THE COMMISSIONER: Well, on the assumption that it was, why would he do that?

A. Well, we used to occasionally play poker in various homes in the east end, perhaps once or twice a month, and I recall one evening I was out in that area, and I was in a restaurant, and I met a group of people, and it was either Taylor or Kimble, I believe, who suggested why don't I come downtown with them, there was a social club down there where they had a game of poker, so I went with them.

by is a member of [illegible], you must have [illegible]
about that? Did anyone close enough to him have
an idea you or [illegible] to come to his cabin.

A. Right, but he was not a close
friend, he was a person I knew from [illegible] to
[illegible] [illegible] in the back bar of the [illegible].

THE CROSS-EXAMINER: Is that all you can
tell us about that?

A. Yes, that is all I can tell you
about him, my lord.

THE CROSS-EXAMINER: Well, when you go a
[illegible] I had [illegible] [illegible]
[illegible] also that?

A. No, I was would not say so.

THE [illegible]: Well, the old [illegible]
[illegible] for [illegible] you to go to him [illegible]
[illegible]

A. Well, I do not particularly know that
I was [illegible] [illegible] me, but --

THE [illegible]: Well, by the [illegible]
what it was, you would be [illegible]

A. Well, we had an [illegible] [illegible]
[illegible] in working [illegible] in the [illegible] [illegible], [illegible]
[illegible] or [illegible] a [illegible], and I [illegible], [illegible] [illegible]
I was not in [illegible] [illegible], and I was in a [illegible],
and I was a [illegible] of [illegible], and he was [illegible]
[illegible] or [illegible], I believe, was [illegible] [illegible],
and I was [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], he [illegible] [illegible].

THE COMMISSIONER: Yes. You don't know whether it was Taylor or Kimble?

A. I am not certain, my lord, no.

THE COMMISSIONER: What time of the year was it?

A. I would say it was sometime in 1959. The summer of 1959, or the fall.

THE COMMISSIONER: Yes. Well, does one have to be a member there to take advantage of the place?

A. Apparently not. I was never a member. Nobody asked me to pay any dues.

THE COMMISSIONER: You could walk in off the street, and enjoy the facilities?

A. That seems to be the case,my lord, yes.

THE COMMISSIONER: What were the facilities they could enjoy?

A. Television and cards, various games there.

THE COMMISSIONER: Well, what sustained the place?

A. It seemed to be a club that was interested in the aspect of hunting and fishing. They seemed to have a lot of literature around there pertaining to that. I wasn't interested in that, and from what I recollect not too many of the members were.

THE COMMISSIONER: Well, that is not exactly my question.

A. Oh, what was your question?

THE COMMISSIONER: I say what sustained the place, if anybody off the street could walk in there and enjoy the facilities without paying anything, what sustained it?

A. I don't know.

THE COMMISSIONER: Now, are you swearing under oath that is all the knowledge you have of that club?

A. I am swearing that that is all the knowledge I have of that club, yes, sir.

THE COMMISSIONER: Well, that is not very much, is it?

A. It is not very much, no.

THE COMMISSIONER: How often were you in there?

A. Oh, I would estimate 8 times, perhaps 10. I used to go there with other police officers and eat my lunch there, and watch television on my lunch hour, sometimes after work.

THE COMMISSIONER: Never paid anything?

A. No, sir, never. Never did, my lord. I was not asked to.

THE COMMISSIONER: I see.

(Page 5970 follows)

DC/1/WC

Q. Now, if on May 18th Lamorie told Scott that the two of you had patches on Christoff at Niagara Falls, the front end of which is the Flamingo Club, would he be telling the truth to Scott?

A. No, sir.

Q. He would be lying?

A. He would be.

Q. What reason would Lamorie have to lie about any activity he had with you?

A. I'm sure I don't know. It is hard for me to credit that Constable Lamorie did tell that, we were quite good friends.

Q. You would say he was a good friend of yours at this particular time?

A. Yes, he was.

Q. And if he told Scott at the same time the two of you had a patch on Joe Vortura would that be true or false?

A. That would be false.

Q. And Petrochenko at Thorold I think we have already dealt with. I take it that would be false, too?

A. Yes, my lord. Yes, sir.

Q. He also told Scott on that occasion, as Scott swears, that the patches were obtained for the two of you by Sammy Balsom, was he wrong when he said that?

A. He would be.

Q. Now, if we say that Jones, Smith and Brown, the men of real and best business in Bonnie Dalas, the front and of Main in the Chamber (Sic), would do the [illegible] you would to Jones?

A. No, sir.

Q. He would be lying?

A. He would [illegible]

Q. Most women which Lawrence have to the [illegible] any activity in and with that [illegible]

Q. (Pause) I [illegible] [illegible] Mr. Chairman, [illegible] in local [illegible], we were quite good [illegible].

Q. You would say we was a good [illegible] of [illegible] particular time?

A. Yes, [illegible]

Q. And if he had [illegible] as the [illegible] the [illegible] of [illegible] a [illegible] on the [illegible] would [illegible] to [illegible] or [illegible]?

A. [illegible] would be [illegible].

Q. And [illegible] as I [illegible] [illegible] to have [illegible] [illegible]. I [illegible] [illegible] would [illegible] [illegible], [illegible]?

A. Yes, [illegible]. Yes, sir.

Q. He also [illegible] [illegible] on [illegible] [illegible], [illegible] [illegible], [illegible] the petition [illegible] [illegible] for the [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]?

A. He [illegible] [illegible].

Q. He would be. Now, on the next day, which is May the 13th, I see by your diary you were at the office that day?

A. I was?

Q. Any question about it? Would you like tolook at your diary? "General office duties, 8.30 a.m. to 5.00 p.m."

A. Yes, sir.

Q. That is your handwriting?

A. Yes, sir.

Q. Now, you recall having any conversation with Scott and Lamorie at the office that day?

A. No, I don't recall any conversation that we might have had.

Q. Do you recall meeting, the two of you meeting with Scott later that day, the Mansion House Hotel, Danforth Avenue?

A. There is something familiar about that. I do recall going to the Mansion House that -- It might have been Scott and Lamorie. I used to work at the Mansion House, and that is why I am familiar with it.

THE COMMISSIONER: Q. What did you do there?

A. I was a waiter, part-time waiter, my lord.

MR. WILSON: Q. On the 17th of May you had a meeting with Scott and Wright at the Earl French Club. Then, on Thursday, that

would be two days later, you met with Lamorie and Scott at the Mansion House Hotel?

A. Yes. If I recall correctly now it seems to me that Constable Scott moved to the east end in a rooming house and with the same people I had roomed with for a number of years, and for a short period of time Constable Scott, Lamorie and myself used to use each other's car to drive to work and back. And it seems to me one evening we stopped at the hotel. I don't exactly recall clearly the circumstances.

Q. Prior to this week in May had you been accustomed to meeting with Scott in the evenings?

A. No.

Q. Is this the first -- This week you had two meetings with him in the evenings at two different places. Prior to that time, can you recall any evenings you had ever spent with Scott at all?

A. Oh, yes, I had spent a number of evenings with him out having a few beers with him and other members of the Provincial Police. There were quite a few evenings.

Q. This seemed to be quite a busy week, Tuesday night and Thursday night?

A. Well, the incident at the Earl French Club wasn't a meeting. As I said before, I just went there and happened to see

them there, happened to meet them. There was nothing arranged.

Q. Now, on this -- At this Mansion House Hotel and in the office during that day, Scott says that the two of you told him that in three months time you were to receive a thousand dollars each from Joe McDermott as a sort of bonus when you had proved your good faith. Now, did you or Lamorie make any such statement?

A. I know for certain I did not.

Q. Well, do you know for certain Lamorie did not?

A. No, I know for certain Lamorie didn't in my presence.

Q. And was it true if it was said?

A. Certainly not, sir.

Q. And then, did you or Lamorie say you had started up the Alpine Bridge and ~~Kamatxi~~ Social Club on May 8th, 1959, with two other persons, and that up to April of 1960 the club had taken in $4,500?

A. I did not.

Q. Was there any discussion that day about the Alpine Club?

A. I don't recall. Where were we that day, again, sir? Perhaps ---

Q. You were at the Mansion Hotel that day on Danforth.

A. No, certainly that was never said

to Constable Scott at any time.

Q. You told us today you were in the Alpine Club about eight or ten times?

A. I estimate about that.

Q. Why, then, when you were questioned by Commissioner Clark on May 29th, 1960, did you say, "I have never been in the Alpine Club"?

A. I did not.

Q. You swear that these notes made at the time of your interview by Commissioner Kennedy, where this is reported, "I have never been in the Alpine Club", you didn't say that?

A. I did not. And furthermore, at the time when I was questioned by Commissioner Clark and Assistant Commissioner Kennedy, they were making no notes whatsoever.

Q. Well,the important part is you are swearing you made no such a statement to Commissioner Clark and Assistant Commissioner Kennedy when they interviewed you on Sunday, May 29th?

A. That I had said I was not in the Alpine Club?

Q. That you had never been in the Alpine Club?

A. No, sir, I never said that.

Q. You are pledging your oath on that?

A. I am pledging my oath on that.

Q. So, if they both say you said that, they are both lying?

A. No, sir. Commissioner Clark, I would say, they are in error. I remember during that interview, that time I was suspended, most of the conversation centered around who I knew with regard to Sammy Balsom and various other things.

Q. We will come to the rest of it in due course. I am just asking you about that one point. You swear you never made any such statement at that time?

A. I am.

Q. Now, coming back to this meeting of May 19th. Did you or Lamorie say you were going to press McDermott for more money?

A. No, sir.

Q. And you say you didn't say it. Did Lamorie say it?

A. Not in my presence.

Q. Not in your presence. Well, at the club -- at this hotel, were the three of you together all the time?

A. Yes.

Q. All together?

A. I believe so. Unless one of us happened to go to the washroom, or something.

Q. Were you drinking that evening?

A. Yes, we had some beer at the hotel.

Q. Were any of you drinking to a point you wouldn't know what was going on?

A. No, certainly not. We were only there a short length of time.

THE COMMISSIONER: Q. What do you do for a living now?

A. I am an office clerk, my lord, and I also assist my brother in the operation of his business. It is an automotive engine rebuilding business. I worked for him steady for one year after my suspension. We were going to consummate a partnership, it just didn't work out. So I went and got another job. And I am now with him in a part-time capacity.

MR. WILSON: Q. Now, on this same meeting of May 19th, did you indicate to Scott, and Lamorie did the same, that you were both mad at Wright?

A. No, I don't recall that.

Q. You don't recall that at all. Did you know that he suggested to McDermott that some move be made to have you transferred from the branch?

A. No, I have no knowledge of it.

Q. At that time did you have any knowledge of a possibility of a transfer out of the branch?

A. Of myself?

Q. Yes, and Lamorie?

A. Yes. The Assistant -- the Deputy -- or, rather, Assistant Deputy Commissioner Kennedy informed Lamorie and myself on more than one occasion if I remember, remember his words correctly, this may result in me being kicked out of the anti-gambling squad. That was as a result of a blunder we made in Paris - not Paris, Preston. We smashed in the wrong door of an alleged betting house. We were called on the carpet for that. And needless to say, we got a good reprimand.

Q. How did you come to go to the wrong house?

A. Well, I don't know. The night prior to the raid Constable Lamorie and I drove down there. And Constable Lamorie referred to his notebook at the time he was driving, and he said it was No. such-and-such, according to my recollection. We drove past the premises and noted the number of the house, and noted the house. And we held observations ~~after~~ as to the beat, the best strategy for raiding it the following day. And we were primarily looking over the back of the place. We had one quick look at the front of the place. There are seven or eight apartments all similar. The place we should have gone to was three or four doors down the street.

And as it turned out, if we had gone to

the right place in the first place, we wouldn't have got anything, apparently the bookmaker had moved away, or alleged bookmaker had moved away a couple of weeks prior to that. So, there were a couple of errors, a couple of bad ones.

Q. Were you a little upset that night about the possibility of a transfer?

A. No. I was upset with anything of that nature would go on my record. I was upset about the reprimand to some extent, and my morale wasn't very good prior to that, and it certainly wasn't any better afterwards.

Q. Now, on May 26th, which would be the next week, the Thursday of the next week, do you recall going to the Alpine Club with Scott and Lamorie?

A. Yes, I do.

Q. Mm-hm. And the partners in that, two of the partners in that set-up were Taylor, who was a bookmaker -- to your knowledge he was a bookmaker?

A. Not to my knowledge.

Q. You didn't know he was a bookmaker?

A. No, I didn't.

Q. What do you know about Kibble, who was also a partner?

MR. MacKINNON: Kimble.

MR. WILSON: No, Kibble.

MR. MacKINNON: James Kimble.

MR. WILSON: Was it Kimble?

THE WITNESS: Kimble, K-i-m-b-l-e.

MR. WILSON: Q. What do you know about him?

A. He was one of the local east end group who would play in various games wherever they were in the east end.

Q. And on that occasion did you tell Scott that the club had an option on two more rooms?

A. No.

Q. You did not?

A. No, I certainly don't recall.

Q. That is something he just dreamed up?

A. I believe so, yes.

Q. Was the club outfitted with a poker table, and so on?

A. Yes.

Q. And even literature on wildlife?

A. Yes.

Q. And did they have some fishing rods around the clubroom?

A. I believe there was some fishing equipment around there.

Q. And your experience was that some of the type of bric-a-brac you would find around a good, well organized gambling establishment?

A. No.

Q. You wouldn't?

A. No.

Q. They never have anything like that around?

A. I recall the Ramsay Club in Niagara Falls was alleged to have been a hunting and fishing club and there was never much in the way of literature or equipment to indicate ---

Q. Did they have a moosehead up?

A. Pardon?

Q. No moosehead?

A. I don't recall seeing one there.

Q. This wasn't very well organized, then, over there?

A. No, I guess they weren't.

Q. Now, on that occasion did Lamorie and yourself tell Scott if McDermott did pay you $500 a month you would be content and would eventually discard the patches?

A. No, sir.

Q. You deny that?

A. I certainly do.

Q. Now, Friday, the 27th, did you accompany -- Did Lamorie and yourself accompany Scott to Niagara Falls to conduct a raid on the Flamingo Club on Bridge Street?

A. Yes. I am not sure of the date, however, I do recall having gone.

Q. Is that one of your patches?

A. No, sir, I never had any patches.

Q. And during the trip over, did the two of you discuss in the presence of Scott the telephoning of Sammy Balsom to advise him of the raid?

A. No, sir, certainly not.

Q. You deny that?

A. I do.

Q. And before you got there, did you suggest to Scott that he stay at the front of the premises and stop anyone who might chance to come to the premises with betting slips in his pocket?

A. No, I don't recall having given him such a direction.

Q. You don't?

A. No.

Q. Do you recall stopping at the Bell Telephone Company at St.Catharines on the way over to Niagara Falls?

A. I believe we did go in there and check the telephone records.

Q. Mm-hm.

A. Prior to the raid on that premises, if I recall correctly.

Q. Do you recall when youwere there placing a call to Sammy Balsom?

A. I certainly do not.

Q. You deny that you did?

A. I deny that I did, yes.

Q. Was any phone call placed while you were in the Bell Telephone Company in St.Catharines on that day?

A. Yes. Apparently this was just a short time before my suspension, and for this reason it remains in my mind. Commissioner Clark, I believe it was,asked me about a phone call that I made. And I did, in fact, did intend to make a phone call and attempted to, to my wife here in Toronto. Yes, I do recall that,but it certainly wasn't to Sammy Balson.

Q. You say you called your wife?

A. I intended to call my wife, yes.

Q. Did you call her?

A. No, I did not. As I recall, the line was busy, or something. I was going to tell her that I would be late. I believe, if my memory serves me correctly, I wasn't speaking to her earlier in the day and didn't indicate to her I would be going out of town. Something to that effect. I had intended calling her before we got so far.

Q. And what did you pay for that call?

A. I didn't pay anything.

Q. You didn't pay anything?

A. The call wasn't completed.

Q. So, that if, on being interviewed

by Commissioner Clark and Assistant Commissioner Kennedy on the 23th of May, 1960, you said there was a cost of 40 cents for the telephone call, that would be an error on their part?

A. Yes, it would be, sir.

Q. They had written down something you hadn't said?

A. That is correct, yes.

Q. Now, again, on this trip to Niagara Falls on May 27th, did you speak to Balson at all that day?

A. No, I don't believe I did. Unless it was in the bowling alley on our way home, something like that. And I don't recall whether we stopped there or whether it was there. I don't recall the circumstances.

Q. You don't recall Balsom told you the payoff would be ready the following Wednesday?

A. No.

Q. You don't recall that?

A. He didn't say such a thing.

Q. On your way back to Toronto, did you place a call to Petrochenko to discuss the pending court case?

A. I did not.

Q. Do you deny that?

A. I do.

Q. All right. Did you have a further meeting with Scott and Lamorie over the weekend, that weekend?

A. I don't recall, sir.

Q. You don't recall?

A. No.

Q. Well, when you left them that day had you talked about a meeting over the weekend?

A. A meeting? I don't recall that either. We might have discussed going out or something like that. I don't recall.

Q. Now -- That was on Friday, the 27th. What day did you receive your notice of suspension?

A. It was the 29th.

Q. That would be on the Sunday?

A. Yes, I believe it was. It was at the time when I was questioned by Commissioner Clark and Assistant ---

Q. And these were served on you where, at headquarters?

A. Yes, in Assistant Commissioner Kennedy's office.

THE COMMISSIONER: Let us have a ten minute recess.

---Short recess.

MR. WILSON: Q. Now, after you got your notice of suspension, what didyou do, did you seek legal advice?

A. Yes, I did.

Q. And who did you go to?

A. Mr. David Humphrey.

Q. And did Lamorie do the same?

A. Yes, he did.

Q. And how did you come to go to Humphrey?

A. Well, I had met Mr. Humphrey previously, and I considered him to be a very good legal counsel. No particular reason I went to see Mr.Humphrey.

Q. And did you tell him the story of the suspension and how it came about?

A. I told him the story of my suspension, that I was suspended.

Q. Did he advise you to resign?

A. No, he did not.

Q. Who made the decision to resign?

A. I had made the decision to resign at the moment I was suspended.

Q. And why did you make that decision?

A. Well, I would say that I had been contemplating leaving the Provincial Police for some time, and at the time I was suspended it was, so to speak, the straw that broke the camel's back. I had lost interest in my work. The fact that I was threatened by Deputy,2 or rather, Assistant Commissioner Gord Kennedy that the blunder I made in Preston might result in my being kicked

A. Yes, I was.

Q. And who did you go to?

A. Mr. Paul Bonneau.

Q. And did Lacroix go with you?

A. Yes, he did.

Q. And how did you come to go to Bonneau?

A. Well, I had met Mr. Bonneau previously, and I considered him to be a very good legal counsel. He practically promised to see Mr. Lacroix.

Q. Had Mr. Lacroix had the story of the conspiration and how it came about?

A. I told him the story of my connection, that I pay penalty.

Q. Did he advise you to confess?

A. No, he did not.

Q. Did he say that Lacroix is innocent?

A. I had made the decision to confess on the reason I was conspirator.

Q. Was why did you make such decision?

A. Well, I would say that I had been contemplating leaving the Provincial police for some time, and at the time I was approached to join, or to speak, the person from Lacroix the counsel's office. I had been interested in my work. The first time I was approached by Lacroix to confess, Bonneau had promised that Lacroix would be going right to the Minister of Justice to explain the situation.

out of the anti-gambling squad. And there was always that feeling that you never knew when you were going to be transferred to another part of the province. And prior to that, my brother had been asking me on a number of occasions to go with him in business. He was engaged in business at the time. And I was contemplating it quite seriously. And I did not enjoy my work particularly. I had enjoyed my work when I was in undercover work, but my last two years in police work I didn't enjoy. There wasn't enough activity.

THE COMMISSIONER: Q. What?

A. There wasn't enough activity, the activity I liked, my lord. There was too much sitting around the office, generally, with not too much to do, or the dull routine of checking telephone records at the Telephone Company.

/3 MR. WILSON: Q. Did Lamorie and yourself discuss this matter ofresigning together?

A. Yes, I told him I intended to resign.

Q. I suppose he had about the same reasons for resigning as you did?

A. Well, it was certainly obvious to me that as a result of the questions put to me at the time of my suspension, that I would be transferred somewhere in uniform.

THE COMMISSIONER: Q. When were you working as a part-time waiter in a beverage room?

A. That would be prior to my work on the Provincial Police.

Q. I say, when?

A. 1935, I believe. I would like to point out now I have a recollection with regards to Commissioner Clark's statement that I said I was never in the Alpine Bridge and Social Club. What -- I will tell you the circumstances. I recall it very clearly now.

MR. WILSON: Q. You mean you have a better recollection now than you had a few minutes ago?

A. Yes, while I was sitting during the recess I recalled it clearly. Commissioner Clark said to me, almost at the conclusion of that interview, he said, "I suppose you have never been to the Alpine Club?". I was anxious to answer this, but before I could he put another question to me. And that concluded that. But I definitely did not state I was never at the Alpine Bridge and Social Club to Commissioner Clark or Lord Kennedy. I am sure if this was mentioned to these gentlemen, they might have some recollections along that line.

THE COMMISSIONER: Q. Where were these beverage rooms or hotels where you were

working?

A. I worked at a number of beverage rooms in Toronto.

Q. Tell me where they were.

A. I worked at the Morrissey Tavern on Yonge Street, when I was with Imperial Oil, and I used to work there evenings. And I also held a job as part-time flight instructor at the Island Airport ---

Q. I am only asking as to the beverage rooms. You worked part-time at the Morrissey Tavern when you worked for Imperial Oil?

A. Yes.

Q. Yes. Where else?

A. In the Mansion House Hotel.

Q. Mansion House Hotel?

A. Yes, on Danforth Avenue. I believe I worked there approximately eight months, nine months, or so, as a part-time waiter.

Q. Yes.

A. That would also be at the time I worked at Imperial Oil. I worked for them six years.

Q. Yes.

A. And that is all the hotels I worked at here in the city.

Q. That is only two?

A. Yes.

THE COMMISSIONER: All right.

MR. WILSON: Q. Now, there has been filed here Exhibit 87, a copy of the notes taken during the interview you had with the Commissioner and Assistant Commissioner Kennedy. I will read this part about the Alpine Club:

"I have never been in the Alpine "Club.

"Q. Were you in the Alpine Club "last week with Scott and Lamorie?

"Not to my knowledge. No, I wasn't "there."

Now ---

A. I didn't say that, sir. In fact, there were no notes taken there.

Q. That is not the question. Did you make that statement that is recorded here that you were not at the Alpine Club the previous week?

A. No, sir, I did not.

Q. It would have been a lie if you had said it?

A. Yes. The previous week?

Q. Yes.

A. I don't know whether I was down during the previous week. The week previous, that is to the time I was suspended? But certainly ---

Q. The last week. This was the Sunday.

A. Yes.

Q. And you were there the previous Thursday?

A. Yes, I believe.

Q. But you deny you told them that when asked, "Were you in the Alpine Club last week with Scott and Lamorie?", your answer was, "Not to my knowledge, no, I wasn't there".

A. No, I never replied that.

Q. It is quite clear what was said with respect to the Alpine Club ---

THE COMMISSIONER: What was said with respect to the Alpine Club that is clear in your mind?

A. Almost at the conclusion of the meeting,Commissioner Clark said to me, "I suppose you have never been to the Alpine Club?" or "I suppose you don't know anything about the Alpine Club?", one or the other. And before I had an opportunity to answer, he put another question to me, andI never made any reply in that regard whatsoever. That is quite clear in my mind. I am sure if this was told to Commissioner Clark and Mr. Kennedy, they would recall, I am sure.

MR. WILSON: Q. So, they like Scott, are concocting some fiction that is not true?

A. I am not saying that at all.

Q. You are saying what they record

about the Alpine here is absolutely wrong?

A. I say they recorded nothing when I was with him. And I deny specifically saying I wasn't there.

Q. Nobody is saying they recorded while you were saying it.

A. Yes.

Q. But these are notes made after their discussion with you.

A. I deny saying I wasn't at the Alpine Bridge and Social Club with them.

Q. And were you asked if you had been there last week with Lamorie and Scott?

A. I don't recall that.

Q. You don't recall?

A. I am certain.

THE COMMISSIONER: Q. You are certain or you were not asked?

A. The only question about the Alpine Bridge and Social Club was that Commissioner Clark said, "I suppose you don't know anything about the Alpine Club?" or "I suppose you were never to the Alpine Club?" and that is all.

Q. Now, what was there about that statement by Commissioner Clark that impressed itself so indelibly on your mind?

A. Well, I don't know, my lord, unless I felt perhaps there was something wrong with me having went there and it was part

about the Alpine Club is obviously wrong.

A. I say they recorded nothing when I was with him. And I deny specifically having I-Jean's Shawl.

Q. Nobody is saying they recorded it while you were buying it.

A. Yes.

Q. But there are notes made of your telephone conversations.

A. I deny saying I wouldn't do the Alpine Design and Shawl Club with Jean.

Q. And were you amused if you had some money left over with Designer and Shawl

A. I don't remember.

Q. Did you ever?

A. I do remember.

Q. The only question remains the Alpine Design and Shawl Club and

Commissioner Clark said, "I suppose you don't know anything about the Alpine Club" or "I suppose you owe money to the Alpine Club" and that is all.

Q. Now, what was there about Jean's statement by Commissioner Clark that suggested itself to itself to you about

A. Well, I don't know, my Lord, unless I know Jean's mind. Jean and I were very with us having been there and if you gave

of their investigation or criticism.

Q. Do you feel there was something wrong?

A. No, certainly not.

Q. That wouldn't cause you to keep it so prominently in your recollection?

A. It is prominent in my recollection, my lord.

Q. You can't tell me why?

A. No, not specifically. I do recall most of the conversation. Certainly most of it would be impressed upon me.

Q. Tell us some more of the conversation that took place there?

A. Yes. They asked me if I knew Sammy Balsom, or did I ever see Sammy Balsom. Did I know a Petrochenko, and what could I tell them about Petrochenko, or something to that effect.

Q. What else?

A. Did I ever take any money from any gamblers.

Q. Yes. What else can you recall?

A. And with regards to the Alpine Club. That is primarily the sum and total of the conversation. They asked me -- I remember Commissioner Clark saying, "You want to bull your way through court with this, do you?" or words to that effect. At no time did he make any direct accusation like

saying, "You did this". He never made any direct accusations, but he was asking various questions.

MR. WILSON: Q. Do you recall them asking about the meeting you had at the Earl French Club, and the discussion you had in the car with Scott?

A. Yes, I do.

Q. And Wright?

A. Yes, I recall them asking me about that.

Q. Do you recall what you told them about the subject of the conversation in the car?

A. I believe I told them that Wright and Scott had a considerable amount to drink and there was no conversation that I could clearly recall, that it was generally small talk, and nothing of any great importance.

Q. Isn't it a fact that you told them the discussion in the car was about how Wright was getting along at Belleville?

A. Yes.

Q. And that was your recollection of the conversation at that time, was it, as of May 29th, 1960?

A. Yes. Now that you mention it, I do recall that, yes.

Q. Now, earlier this afternoon I thought you left the impression that by reason

saying, "You did this". He never made any direct accusation, but he was making accusations indirectly.

Q. Mr. Pilcher: Q. Do you recall anything about the meeting you had at the Fort Preston Club, and the discussion you had in the car with Doctor

A. Yes, I do.

Q. Did Doctor

A. Yes, I recall that during my first lunch.

Q. Do you recall what you said about the subject of the conversation in the car?

A. I believe I said that Miss Taylor had been let i [illegible] to Johns and there was no conversation that I could clearly recall, that it was generally small talk, and nothing of any great importance.

Q. Isn't it a fact that you told him the alternative if he continued [illegible] how Dodge was getting along as Mailinfilm?

A. Yes.

Q. And that was your recollection of the conversation at Shaykin, was it, as of May 20th, 1960?

A. Yes. Now that you mention it, I do recall that, yes.

Q. Now, getting back [illegible]

of the drinking that had been done by Wright and Scott no intelligent conversation was being carried on at all.

A. That is true.

Q. That is not what you told the Commissioner and the Assistant Commissioner, is it?

A. There was no discussion as to the intelligence of the conversation.

Q. You didn't, then, suggest in your evidence earlier this afternoon that you even talked about Wright being in Belleville or how he was getting along?

A. You mean that I didn't mention this to the Commissioner at the time?

Q. Mm-hm. You didn't in your evidence this afternoon ---

A. Yes.

Q. You said you couldn't recall anything about the conversation in the car.

A. Nothing definite, just small talk, yes.

Q. But you did recall it when you spoke to the Commissioner and the Assistant Commissioner?

A. It was a short length of time afterwards, yes.

(Page 5995 follows)

At the meeting was not seen nor by [illegible]
and [illegible] on [illegible] commissioner was
being convened on 26 [illegible].

A. Does it exist.

Q. Does it not seem you said the
[illegible] and the [illegible] commissioner,
is [illegible]

A. There was no discussion as to
the [illegible] of the [illegible].

Q. You didn't, then, suggest to
your [illegible] [illegible] [illegible]
or [illegible] or was getting [illegible]?

A. [illegible] [illegible] X [illegible]
[illegible] in the [illegible] [illegible]

A. [illegible] You didn't in your
[illegible] [illegible] —

A. [illegible]

Q. You said you couldn't recall
[illegible] about the [illegible] in the [illegible].

A. Nothing definite, just small
[illegible].

Q. Now you did recall to [illegible]
[illegible] to the [illegible] and the [illegible]
[illegible]?

A. It was a short length of time
[illegible], yes.

(Page [illegible] follows)

4/WC

Q. Now, when this interview took place with the commissioner and the assistant commissioner, isn't it a fact that the assistant commissioner Kennedy took notes right in front of you so you could see him doing it?

A. No, I don't recall.

Q. You deny that?

A. I deny him making notes. I recall one instance where Commissioner Clark said to Assistant Commissioner Kennedy, he said, "Take this down" and the Commissioner -- rather, Assistant Commissioner Kennedy went to get a pencil and paper. But he never made any notes. I don't think he took a pencil and paper in his hand.

Q. He didn't take any notes during the discussion you had with the Commissioner?

A. I am almost certain he didn't. If he did take any notes he couldn't have written any more than five or ten words, if he took any.

Q. Now, coming back for a moment to the Alpine Club, there was a rake-off there from the games, wasn't there?

A. No, sir, there was never a rake-off there that I observed. I don't --

Q. Did you play in any of the games?

A. Yes, I did.

Q. And if a number of your fellow officers testify that there was a rake-off when you were there you still want to swear that there

wasn't a rake-off?

A. Yes, sir.

Q. All right. Now, this meeting you had with the commissioner and assistant commissioner, was it about 9:00 o'clock on the Sunday morning?

A. Yes, it was early in the morning.

Q. And on that same morning at 11:00 o'clock did you call Constable George Scott?

A. I recall having called him. I don't know what time it would be, but I am quite certain the same day I was suspended.

Q. Shortly after your meeting with the commissioner?

A. Yes, it could be.

Q. When you called him did you say to Scott: "Scott, you so-and-so, did you blow the whistle on me?"

A. I didn't.

Q. What did you call him about?

A. I said something to the effect: "What do you think, George, I have been suspended for having gone to that so-and-so Alpine Club." And I asked him did they ask him anything about it, I believe. And he gave me a confusing reply. He said: "Don't say anything, the line may be tapped." And hung up.

Q. Didn't you tell him when you called him that you admitted nothing except that you had that conversation outside the Earl French

Club in the car and that you told him the meeting entailed simply talking over F.C. Wright's position at Belleville?

A. I didn't.

Q. You deny that?

A. Yes. And I would have had no reason to have said that to him.

Q. And did you inform Scott that Wright had been arrested?

A. No.

Q. You deny that?

A. Or I might have.

Q. Eh?

THE COMMISSIONER: Pardon?

A. It is possible I did, because I recall the Commissioner telling me Scott -- rather Wright was in the Don jail. He didn't explain that.

Q. That meant, I suppose, to you that he had been arrested?

A. Yes, certainly.

Q. Did that come as a surprise to you?

A. Well, I certainly wondered why.

Q. It came as a surprise?

A. Yes, certainly.

Q. Something like that would be on your mind when you talked to Scott?

A. I might have mentioned it to Scott: "What do you think, Bob is in the Don

jail, and they suspended me because of the club." Or something to that effect, yes.

Q. Well, what was it?

A. Both, my lord.

Q. Did you think that was the only reason that they suspended you because you had been in the Alpine Club?

A. Yes.

Q. That was the only reason you thought they were suspending you?

A. Yes, apart from the fact the inference I drew from their questions that they thought I might have had something to do with some gamblers. Although I felt certain they could not have any information or anything that resulted in my suspension, because I was obviously innocent of anything.

Q. That is what you are saying?

A. Yes.

Q. Now, you had two reasons, you thought there were two reasons why they suspended you, one for having been to the Alpine Club, and the other they thought you were mixed up with some of the gamblers?

A. Well, I didn't really believe they thought very seriously I was mixed up with the gambling.

Q. Or the bookmakers?

A. Or the bookmakers, because I couldn't conceive any way in which they might

pal, and they appeared as members of the club.

Q. Did anything happen?

A. Well, each was 117

Q. Sure, my lord.

Q. Did you think that you had only reason that they suggested you become pal and join in the clubs?

A. Yes.

Q. Also was we only reason you thought that was suggested?

A. Yes, about from the just the reason I might have had something to do with such matters. Although I felt certain they would not have any information or knowledge that involved in my suspicions, because I was obviously innocent of anything.

Q. What is what you are saying?

A. Yes.

Q. Now, you had two reasons, you thought there were two reasons why they suggested pal, one the having been in the cleaning club, and the other that thought you were mixed up with some of the guilty.

A. Well, I should really believe that thought that personally I am sure of just the guilty.

Q. Or the innocence?

Q. In the innocence, because I realized [illegible] that they in some [illegible]

come by such a ridiculous assumption. I thought it was primarily because I went to play poker at the social club.

Q. Any other reason now why you think you were suspended?

A. No, my lord.

Q. You are sure of that?

A. I am positive, yes.

THE COMMISSIONER: All right.

MR. WILSON: Q. Well, dispite the fact that they asked you about Balsom and Petrochenko and --

A. Yes, they asked me about Balsom and Petrochenko.

Q. Yes, and what were they asking about these people for?

A. Well, I am sure I don't know, unless I got the impression they had the idea I had some illegal arrangement with them, or something, certainly wasn't on the up and up.

Q. Of course, the thought that they had any indications of corruption in that regard didn't enter into your mind as a reason for the suspension?

A. No, because I knew in my own mind I hadn't done anything along that line, and I felt that they could possibly not have had any concrete or substantial reason that would result in my suspicion, or suspension for having allegedly done business with these gamblers.

Q. Coming back to this conversation you had on the telephone on the Sunday with Wright -- or, at least, with Scott. Did you tell him you weren't frightened about the -- when they threatened to lock you up in the Toronto jail?

A. Did I tell --

Q. Scott that you weren't frightened?

A. No.

Q. When there was a threat made possibly you would be arrested?

A. I don't remember having told Scott that at all.

Q. Now, at the time you called him did you discuss with him at all the Alpine Club?

A. When I called Scott?

Q. Yes.

A. Excuse me. Yes, I remember having said: "What do you think, they suspended me because I was playing poker at the club."

Q. What did you say about Taylor on that occasion?

A. Nothing.

Q. Nothing about Taylor?

A. No.

Q. And nothing about any toll at all?

A. Nothing about any toll? What do you mean, sir, telephone toll?

Q. Well, is there anything you were concerned about in connection with Taylor or

bribery?

A. No.

Q. Nothing at all?

A. No, not at all.

Q. And did you tell him that you wanted to see him?

A. Who, Scott?

Q. Yes.

A. No, I don't think so.

Q. Now, why did you turn to Scott when this happened?

A. Well, as I recall, it seemed to me I never had any other police officer's telephone ~~number~~ except Scott. I knew that number, but I didn't know the others right off hand.

Q. His was the only number you had?

A. Yes. Well, I knew that, I knew the number because I lived at that residence for a number of years.

Q. Yes. And so that was the reason you picked Scott out to telephone and discuss the suspension?

A. Yes.

Q. And did he tell you to stay away from him?

A. No. About the only reply he gave was: "Don't say anything more, the line may be tapped." And hung up. And that was all.

Q. Well, what does that suggest to you, to you?

A. Well, it didn't suggest anything, it was very confusing.

Q. Very confusing?

A. Yes.

Q. Would he have any reason to make a statement like that?

A. No, not that I know of, no.

Q. Did he tell you to get in touch with Lamorie?

A. No.

Q. But you did?

A. Got in touch with Lamorie?

Q. Yes.

A. When was that,sir?

Q. After your meeting with the commissioner.

(Page 6000 follows)

A. I spoke to Constable Lamorie, I believe, that same night. I think I called him at his home that same night.

THE COMMISSIONER: Q. Do you remember that?

A. I mentioned it to him, vaguely.

Q. Yes.

A. I remember something about it. I believe it was the same night. If it wasn't the same night it was the next day.

Q. Why were you calling him?

A. Just to tell him I had been suspended.

Q. Did you suspect he would be suspended too? Was that the reason you called him to find out?

A. Possibly; he had been at the Club playing cards, too, and I thought that would probably be the thing ---

Q. Working with you?

A. Yes.

Q. That did not cross your mind as one of the reasons that he would be suspended, too?

A. Because we were working together in the Niagara Peninsular?

Q. Yes, in the Niagara Peninsular, when you and Lamorie were working together?

A. In any case, it took place in the Niagara Peninsular when Lamorie and I were working together.

Q. Yes.

A. I went to Gardening Society, I believe, but been busy. I read X mainly at his home that was nice.

MR. [illegible]: Do you remember

course

A. I [illegible] it to say, [illegible].

Q. Yes.

A. I remember remembering about 10. I [illegible] 10 was the same night. If it wasn't the same night it was the next day.

Q. You were [illegible]

A. Just to wait and I had been [illegible].

Q. Did you suppose he would be suspected but? Was that the reason; or [illegible] him to find out?

A. Possibly; he had been at the Club playing cards, too, and I thought that would probably be the thing ---

Q. Morning at ten [illegible]

A. Yes.

Q. That did not cross your mind as one of the reasons that he would be suspected, [illegible]

Q. Because we were working together in the Kingsway Laboratory?

A. Yes, in the Niagara Peninsular, when you and [illegible] were working together.

A. In any case, it took place in the Niagara Peninsular when Lamontie and I were working together.

A. There was nothing illegal or illicit in any of our actions.

Q. And the only reason you called him up on the phone was to tell him you were suspended and that you thought he might be, too?

A. I think so.

Q. The only reason you thought he might be suspended?

A. Yes.

MR. WILSON: Q. And the arrest of Wright did cross your mind, too, as to why you were suspended?

A. No. Commissioner Clark mentioned this, I don't know why. I certainly wasn't in a position to ask any questions about those matters. He simply informed me. I didn't think it had any real connection between my suspension.

Q. You just thought that was a coincidence that it happened at the same time?

A. Yes.

Q. Well, did you or did you not when you called Scott say to him "I admitted nothing"?

A. No.

Q. You swear that on oath?

A. I swear that on oath. I didn't say that to him, I am sure of that.

Q. Did you say anything like that?

THE COMMISSIONER: Wait a minute.

THE WITNESS: The reason I am so sure is

A. There was nothing illegal or illicit in any of our actions.

Q. And the only reason you called him on the phone was to tell him you were disgusted and that you thought he might be, too?

A. I think so.

Q. The only reason you thought he might be suspended?

A. Yes.

MR. KILGORE: Q. And the errand of mercy did cross your mind, too, as to why you were suspended?

A. No. Commissioner Clark mentioned this. I don't know why. I suppose they're in a position to ask any questions about those matters. He simply informed me. I didn't think it had any real connection between my suspension.

Q. You just thought that was a coincidence that it happened at the same time?

A. Yes.

Q. Well, did you or did you not when you called Scott say to him "I admitted nothing"?

A. No.

Q. You never said so once?

A. I never said an word. I didn't say that to him, I am sure of that.

Q. Did you say anything like that?

MR. CHRISTIANSEN: That's a question.

because I would have no reason to say such a thing, the conversation was quite brief.

MR. WILSON: Q. Yes.

A. If I recall, it was just with regards that I had been suspended.

Q. I would refer you to the notes and it is obvious the things you told the Commissioner, some of the things were not true?

A. Such as?

Q. Such as you have never been at the Albion Club?

A. I didn't tell the Commissioner that I wasn't at the Albion Club, I didn't tell him that at all. As a matter of fact, I didn't answer that question. I didn't answer. I had no opportunity.

Q. Now that you have thought it over, have you got any further explanation as to why McDermott would be talking about you and Lamorie in the discussion on the telephone on the 16th of May with Scott?

A. None whatsoever.

Q. He just happened to think of your names?

A. That's correct.

Q. And talked to Scott about the two of you?

A. That is correct. I believe that Joseph McDermott was capable of saying anything

because I would have no reason to say such a thing, the conversation was quite brief.

Mr. Kilgore: A. Yes.

Q. Mr. Mitchell, if you just also suppose that I had been suspended.

Q. I would refer you to the notes and it is obvious the things you told the Commissioner were of the things were not true?

A. Such not

Q. Even as you have never been as you allege that?

A. I didn't tell the Commissioner that I wasn't at the Albion Club, I didn't tell him that at all. As a matter of fact, I didn't mention that question. I didn't lunch. I had no opportunity.

Q. How long you have thought it over, have you had any further explanation as to why Mahoney would be talking about you and Lamarie in the discussion on the telephone on the 16th of May with Moore?

A. Some misunderstanding.

Q. He just happened to think of your name?

A. That's correct.

Q. And talked to Moore about the two of you?

A. That is correct. I believe that Joseph Mahoney was suspects of paying any bills

to anybody.

THE COMMISSIONER: Q. What makes you think that?

A. Just from what I had heard about him.

Q. From whom?

A. From recent newspaper articles.

Q. No, not from recent newspaper articles but at the time?

A. At the time?

Q. Yes.

A. I am rather lost here, my lord. At the time I was suspended?

Q. Yes?

A. I didn't necessarily believe that at the time. I had no thoughts about the matter. I didn't know McDermott had made any accusations against me at that time.

Q. Is that as a result of what you have read since that you now conclude?

A. Well, I believe he might be.

Q. Pardon?

A. I believed that he might be.

Q. Yes.

A. Certainly it wasn't true, in any event. Why he would say this to Constable Scott, if in fact he did say it, is more than I know.

Q. By the way, did the Commissioner tell

tell you he knew you had being playing poker in the Albion Club?

A. No.

Q. And you did not answer him when he asked you if you had ever been in there?

A. He answered the question very much himself. He said, "I suppose you have never been in the Albion Club" or "I suppose you don't know anything about any Albion Club". I was about to answer and tell him what I did know about the Albion Club but I wasn't given the opportunity.

Q. You have not told him you had been playing poker in the Albion Club?

A. No, I never mentioned anything.

Q. What reason did you have for concluding you were suspended for playing poker in the Albion Club?

A. It was the only reason I know of because he mentioned the Albion Club and we had been playing poker there.

Q. I see.

A. I feel he was probably under the opinion that I wasn't conducting myself, becoming a police officer, and he suspended me for that reason.

Q. There was no rake-off in the game?

A. No, I noticed no rake-off there, my lord. They used to play a lot of cribbage and euchre but primarily sitting and watching

Q. Did you do some and [illegible] [illegible] [illegible]

television. The activity would seem to drift into a poker game when there was sufficient people around.

THE COMMISSIONER: All right, Mr. Wilson.

MR. WILSON: Q. There is only one other thing. During one of the raids you made at the Vets' Club did Feeley offer to take you out in his aeroplane?

A. Yes, he did.

Q. He did?

A. Yes, I recall that.

Q. And he seemed to know that you are a flyer?

A. Yes. I don't know, I might have told him myself in the course of conversations at the Club. He was the type of person ---

Q. Well ---

A. --- you could speak to easy.

Q. Are you sure you told him?

A. No, I am not sure that I told him, but apparently from my understanding he took flying lessons at the same school I used to work for.

Q. On one evening at 11 o'clock did you get a call to your apartment at your unlisted number by a man who asked whether you were interested in instructing on a part-time basis at Airgo?

A. Yes, that's clear in my mind.

Q. Now why did you have an unlisted number?

A. I had an unlisted number because I didn't want the gamblers to get my phone number.

Q. I see.

A. To be calling me up or trace where I was living.

Q. Have you any recollection of this person that called you up about this possible job?

A. Do I have any recollection?

Q. Yes - who was it?

A. I believe it was Joseph McDermott; I don't know who it was but I believe it was Joseph McDermott.

Q. What makes you think it was Joseph McDermott?

A. Well, I mentioned that incident to Sgt. Anderson the same night and he said something to the effect, "Well, they are starting that again", and I assumed it was Joseph McDermott. Prior to that I had never heard Joseph McDermott's voice, and the only time I did hear Joseph McDermott's voice was at a raid at the Centre Road Club while he was doing a considerable amount of talking to all the members of the Provincial Police, and I would say - I couldn't swear to it - but I thought there was a similarity. I don't know.

Q. Feeley seemed to be the man who knew you were an instructor?

A. Yes.

Q. And yet you think that it was McDermott that phoned you up and offered you the job?

A. Yes, I didn't know who it was.

Q. Did this person that called you give a name?

A. Yes. He said it was a Mr. --- I don't recall the name but he said he was associated with Airgo Air Service and he wanted to know if I would be interested in working with them on a part-time capacity as a flight instructor. The next morning I phoned Central Airway which is also at the Toronto Island Airport and I asked them if they knew of any person by this name and they said no; and I phoned Airgo Air Service and they didn't know this person at all.

Q. This was rather a strange call?

A. Well, it was obvious to me that it wasn't a legitimate call.

Q. What made you think it wasn't a legitimate call?

A. Obviously the name that the person gave me was not associated with Airgo Air Service and wasn't known to the operators.

Q. What was said during the conversation that in any way suggested that it was an unusual call?

A. Well, to begin with, the hour of night

Q. Sir.

Q. And you knew that that if you [illegible] that person, you up and [illegible] you the job?

A. Yes, I didn't know who it was.

Q. Did this person that called you give a name?

A. No. He said it was a Mr. ---; only usually the name but he said he was [illegible] with Alpha Air Service and he wanted to know if I would be interested in [illegible] on a part-time basis as a flight dispatcher. The next morning I phoned Gordon Lawrence which is also at the Toronto Island Airport and i asked them if they knew of any pilots in this area and they said yes and i phoned Alpha Air Service and they didn't know any pilots at all.

Q. This was before a change was?

A. Well, it was obvious to me that it wasn't a legitimate call.

Q. Did this job take it wasn't a legitimate call?

A. Unknown but some back ten years ago we was not associated with Alpha Air Service and wasn't known to the operations.

Q. Did you ever during the conversation, back in May 86, suggested that it was an unusual call?

A. Well, to begin with, the hour of night

that the person called, and there are plenty of flight instructors around that are willing to work part-time and I couldn't understand anyone calling me, particularly at that time of night.

Q. I see.

A. And I questioned the person quite closely and he said -- well, he said,"Here's my name, you call me up sometime if you are interested".

THE COMMISSIONER: Q. He called you at your unlisted number?

A. Yes, he did.

Q. How would he know where to find it?

A. I wouldn't know, my lord.

Q. He got the information from someone?

A. Well, that's obvious. As a matter of fact, the next day I phoned Central Airways and Airgo and asked them if they had my number and they said no, they didn't know what my number was. Where he got it from, I don't know.

MR. WILSON: Q. I think that is all.

EXAMINED BY MR. MacKINNON:

MR. MacKINNON: I wonder if I could have -- I understand my friend has a police report on the Alpine Club -- and I would like to look at it so that I can cross-examine on it. I wonder, my lord, if I might have that report?

THE WITNESS: My lord, this is something I might say in my defence: about a week ago

I phoned the Commission here and I asked them to have the report that I constructed myself containing my observations of the Centre Road Veterans' Association, and this report was made which I believe I was supposed to be doing business with this Club, and I believe my report will speak for itself. I would like to read it into the record. I believe it's very damning.

THE COMMISSIONER: Q. What is very damning?

A. My report with regards to the Club.

Q. Have you got some report? When was it prepared?

A. It was prepared prior to my suspension, either April or May of 1960.

MR. MacKINNON: I wonder if I could have the report I asked for?

MR. WILSON: I have a report from the Metro Police which is hearsay.

MR. MacKINNON: I just want to look at it.

MR. WILSON: I have already shown it to my friend but I do not think these documents that have hearsay in them should be used as a basis for cross-examination.

MR. MacKINNON: I want the names in there so I can make a note of them. God knows I wouldn't have seen this document unless somebody told me it was in Mr. Wilson's possession.

MR. WILSON: You are certainly interested in getting all the documents that have hearsay

evidence, in.

MR. MacKINNON: I am interested in all the documents.

THE COMMISSIONER: I see no reason why Mr. MacKINNON should not see them.

MR. WILSON: I have already shown them to him. He asked for the particulars and he has got them.

MR. MacKINNON: I haven't got them. Your cross-examination, Mr. Wilson, may not be that interesting but I have to pay some attention to it.

THE COMMISSIONER: All right, let us get on.

MR. MacKINNON: Yes. This practice has been consistent with Mr. Wilson.

My lord, I wonder if I could -- I see it is four minutes to five?

THE COMMISSIONER: Well, we are going to rise early tomorrow and I do not mind sitting a few minutes late.

MR. MacKINNON: Q. Now, I take it, witness, that what you are setting forth to us today is that you are an honest, uncorruptible police officer, is that right?

A. I was uncorrupted, yes.

Q. And an honest policeman?

A. Yes.

Q. You are proud of your record on the force?

A. Very proud.

Q. Well, why would you resign so easily?

A. I didn't resign easily. As I said before, I was prepared to resign prior to my suspension.

Q. But you were resigning in a cloud, weren't you?

A. I didn't much care.

Q. Weren't you as an honest policeman, proud of your record?

A. I was.

Q. Didn't you want to get that record clean and keep it clean?

A. I didn't -- I was leaving the Provincial Police.

Q. And taking Lamorie with you?

A. No.

Q. Well you both resigned at the same time?

A. Yes.

Q. And identically worded documents?

A. Well, that's a coincidence if they are identically worded documents.

Q. Well, Mr. Humphrey assisted you, I understand from him, in preparing these documents, is that correct?

A. No, I think Mr. Humphrey is in error on this. I read something in the paper with regards to that and Mr. Humphrey never actually

counselled us in this matter, it was simply my own decision. I wouldn't have accepted anybody else's decision on this matter.

Q. I am not talking about decisions.

A. Yes.

Q. I am talking about a document after the decision was made?

A. Yes.

Q. Do you appreciate the difference?

A. Yes.

Q. Now, you did see Mr. Humphrey before you handed in this resignation, didn't you?

A. Yes.

Q. And Lamorie had seen him elsewhere?

A. Yes.

Q. And you saw him together?

A. That's correct.

Q. And when did you see him, on Sunday?

A. I don't recall when it was but it was a short time after I was suspended.

Q. It was the same day, wasn't it?

A. That I was suspended?

Q. Yes, that you saw Humphrey?

A. Well, it was either the same day or the day after.

Q. Where did you see him?

A. At his office.

Q. Where did you telephone him?

A. At his office.

Q. Not at his home?

A. I might have. I also recall having telephoned him at his office.

Q. And you made arrangements to meet him at his office?

A. Yes.

Q. You didn't go to his home?

A. Yes, I was to Mr. Humphrey's home on two occasions.

Q. Were you to Mr. Humphrey's home on this occasion when you were preparing yourself for resignation?

A. No sir, that was at his office. As a matter of fact, Mr. Humphrey wasn't even in the room at the time I composed and wrote this resignation.

Q. You did that in his office?

A. I did that in his office.

Q. With Mr. Lamorie?

A. With Mr. Lamorie, yes.

Q. So you were both composing this document at the same time?

A. That's correct.

Q. So that would explain why they were similar documents?

A. Yes. Well, I composed my own and he composed his; whether he copied me, I don't know.

Q. But you are not sure just what day this took place?

A. No.

Q. Was there anyone else in the office?

A. No, there wasn't.

Q. No other employees of Mr. Humphrey there?

A. Not in that particular office; there were in the other offices of the building.

Q. There were?

A. Yes.

Q. What I am interested in is why you and Mr. Lamorie -- Mr. Lamorie is considerably younger than you are, isn't he?

A. Yes.

Q. You are married?

A. Yes.

Q. Family?

A. Yes, sir.

Q. Why you would suddenly give in so easily because you said - you told us here that the Commissioner asked you if you had been taking money from gamblers, isn't that right?

A. Yes.

Q. So you had a pretty fair idea what was in his mind?

A. I believe he had thought along that line, yes.

Q. Didn't you want to clean this up as an honest policeman with an honourable record?

A. No, I was confident the fact would clear itself up. Whatever was mentioned,

whatever made him believe I would be taking money would be proven wrong.

Q. Without any effort on your part?

A. I would like to say my resignation was in no way solicited or asked for by Commissioner Clark or anyone.

Q. Was there any suggestion to you that you might be prosecuted?

A. No.

Q. You say you did not make a deal -- you did not mention jail to Scott in your conversation with him?

A. No.

Q. On that morning?

A. No.

Q. You told us that Constable Scott was not a particular friend of yours. In fact, you made that pretty clear in the opening of your evidence?

A. No, the word "particular" wouldn't apply. He was a friend of mine the same as everyone else on the Anti Gambling Branch, but Constable Lamorie was a closer friend.

Q. Constable Lamorie was a very close friend, was he?

A. Not very close but I would say closer than the others.

Q. Didn't you share cars with each other?

A. Yes, when we drove to work.

Q. Did you live close to one another?

A. Reasonably close; Constable Lamorie lived further east than I did and we both had to proceed in a westerly direction from where I live. Sometimes he would leave his car at my place and we would both go to work in my car.

Q. Didn't you have Sgt. Anderson's telephone number, the head of your squad?

A. Yes.

Q. Why did you phone him?

A. Sgt. Anderson was at the office the morning I was suspended.

Q. Did you speak to him there? This was a Sunday?

A. Yes.

Q. Are you saying you spoke to him at that time?

A. Yes.

Q. You did?

A. Yes.

Q. Before or after you were suspended?

A. Both.

Q. Did you advise him you had been suspended?

A. I believe so, yes. I believe I did.

Q. And then the next person you think of calling is Constable Scott?

A. Yes.

Q. Did you call Constable Lamorie before you called Scott?

A. I called Constable Lamorie in and around the same time. I don't know whether it was before or after I called Scott, but Constable Lamorie wasn't home.

Q. But you now swear that you made no statement to Scott asking him if he was the one who had blown the whistle on you?

A. I don't believe I used those words at all.

Q. Did you use anything similar?

A. No, I don't believe I used anything that ---

Q. You don't "believe"?

A. Yes.

Q. Are you swearing you didn't tell him anything that could possibly be construed in that sense?

A. Yes, I am.

Q. And you say he told you at the end of the conversation "my telephone may be tapped"?

A. He said something like that, "the telephone may be tapped", something to that effect. It certainly sounded queer to me.

Q. Now, did you go directly into the police force from this job you had for six years?

A. Yes, I went directly into it.

Q. That was the job you had had for six years?

A. Yes.

Q. You left that job to go into the Ontario

Provincial Police?

A. No, I left that job for a career as a commercial pilot which I thought I was reasonably certain I had lined up, and that job didn't materialize, and wasn't going to materialize for another six months or so, according to the man. I found this out after I left Imperial Oil.

Q. With whom?

A. With a helicopter company at the Island Airport.

Q. What is the name of that company?

A. Okanogan Air Service.

Q. Had you flown helicopters?

A. No.

Q. You had had no training?

A. No, this is a company that trained their own men.

Q. You didn't have any offer of a position by Dominion Helicopters?

A. No, it was Okanogan. I am quite certain of that.

Q. Do you know the name of the individual with whom you dealt at that company?

A. No, I don't. It was a foreign name.

Q. Now this would be in 1957, would it?

A. In 1956. I had an interview with this gentleman in the King Edward Hotel. The personnel manager or chief line instructor for

Okanogan Helicopters and I was impressed by the interview. He didn't indicate to me he was definitely going to take me on but he lead me to believe that.

Q. Would it be a Mr. Schultz?

A. It's something like that. I don't think it was Schultz.

Q. In any event, you say that job fell through?

A. Yes.

Q. You were then about what, 30 years old?

A. Yes.

Q. Maybe 28?

A. Yes.

Q. Who recommended that you go into the Provincial Police?

A. No one. I thought perhaps I might like police work; the outside activity; so I went down and put in my application and I was accepted immediately and put in the Anti Gambling Branch.

Q. How far in school did you go?

A. Public School.

Q. Have you your Entrance? Did you pass your Entrance?

A. No.

Q. How far in Public School did you go?

A. Grade 7.

Q. And were the Provincial Police aware of this when you were taken in?

A. Yes. I remember having mentioned this to Inspector -- the name escapes me right now but he was in charge of the school at that time. He asked me various questions and asked me how much education I had, and I said Public School Education, and he said, "Well, we need somebody with two years high school", and I said I can certainly pass your two years high school examination if you give it to me, if you agree to try;" and I was accepted. Incidentally, I took an additional course with a correspondence school.

Q. You have been talking to Robert Wright recently, haven't you?

A. Yes, I spoke to Robert Wright as early as this morning out in the hall.

Q. You were speaking to him, apart from at this Commission, weren't you?

A. Yes.

Q. And you had been discussing your evidence with him, haven't you?

A. No, I wouldn't say I was discussing my evidence with him.

Q. Well, now, are you social friends?

A. No, I wouldn't say so.

Q. Now why would you be talking to him?

A. You mean on occasions other than the hall here?

Q. That is right.

A. He came to me.

Q. When did he come to you?

A. When I was working for my brother in the machine shop in the East End. He came to me.

Q. All right?

A. And we discussed generally ---

Q. Was this since the Commission had started?

A. No. No. This was before he even appeared in Court.

Q. I am talking about a more recent interview you had with him?

A. No, I don't recall having spoken to him since the Commission started.

Q. You say you haven't spoken to him on the telephone? You are swearing to that? Now, just think?

A. Yes, I will have to swear to that. I can't recall having spoken to Constable Wright, no.

Q. Either to arrange a meeting or discuss this?

A. But we had ---

Q. Either to arrange a meeting with him?

A. No.

Q. Or discuss what your evidence might be?

A. No, sir.

Q. And when he came to see you at the machine shop he was just discussing the whole

business just generally, was he?

A. Generally, yes.

Q. Was he dealing with the question whether you might be called as a witness at his trial?

A. I don't know whether that question was asked.

Q. What interest would you have in it, then?

A. I really don't know. I didn't have any interest.

Q. What interest did he have in you? He must have given you some reason to come and see you?

A. Nothing specific, we just came and we talked about the trial and coming events, and so forth.

Q. And you say this Royal Commission was not one of the coming events, is that what you are saying?

A. I can't recall having spoken to Constable Wright since the announcement of this Commission. I might have. I can't recall. I know in the past two years I have spoken to Constable Wright on approximately three occasions.

Q. And on each occasion you did not discuss what your evidence might be?

A. No.

Q. Whether at a trial or at this

Commission?

A. No.

Q. What help was he seeking from you?

A. I really don't know.

Q. You have no idea?

A. No.

Q. And he wasn't a particular friend of yours either, was he?

A. Not particularly.

Q. No.

A. He was just a regular friend of mine.

Q. In fact, he had left the Branch before you did? He had been transferred out of the Branch, hadn't he?

A. Sometime before, yes.

MR. MacKINNON: I think Mr. Commissioner I would like an adjournment so I can get my reports organized. It may make it go faster.

THE COMMISSIONER: All right.

--- Whereupon the hearing adjourned at 5.15 p.m.

VOLUME NO.....

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Royal Commission on Crime,

Friday May 25/62.

P.P.— 6024 —— 6244.

INDEX TO WITNESSES

INDEX TO EXHIBITS

APPENDIX A

" Tuesday, September 28th, 1954,
"at approximately 6:30 p.m. Cpl. Shrubb
"arrived at my house, 86 Riverdale Avenue,
"on foot - to await the arrival of, or
"a phone call from, V. Feeley. At
"approximately 8:00 p.m. V. Feeley arrived
"and I met him at the door, Cpl. Shrubb
"concealed himself in the stairway in
"order to overhear any conversation which
"would take place. V. Feeley appeared to
"be surprised that I should be the owner
"of the car which he had struck. A general
"conversation took place as to Feeley's
"reason for being in that locality, and
"the manner in which the accident had
"occurred. V. Feeley's explanation was
"that he had been in that vicinity to
"pick up a lady acquaintance who was a
"married person and who was to be picked
"up on the street corner in an attempt
"to conceal her movements from her
"husband. When asked why he should be so
"far from any one intersection, to make
"this contact, he said it was to facilitate
"her movements. The amount of damage to
"my auto was discussed at this time. V.
"Feeley then asked me to come to the street
"with him to view the damage which he
"estimated to be $200.00. I advised him
"that I was not familiar with the cost of

"Kearney, Southern Ind., 1924.

"W. Wrenshaw, 4[illegible] [illegible]

"arrived at my house, 90 miles away,

"on foot - to escape the medical of, or

"a phone call from, V. Tenley. As

"[illegible] V. Tenley [illegible]

"may I get him at one door, [illegible]

"concealed himself in the pantry to

"order to overhear any conversation which

"would take place. V. Tenley expressed the

"to surprises that I should be the owner

"of the car which he had stolen. A general

"conversation took place as to Tenley's

"reason for being in that locality, and

"the manner in which the auditors had

"[illegible]. Tenley's explanation was

"that he had been in that vicinity to

"look up a lady acquaintance who was a

"married woman and who was to be picked

"up on the street corner in an attempt

"to escape her overseeing from her

"husband. Then quoth my lo should be so

"far from my own locomotive, he made

"their course. He said it was to facilitate

"his movements. The amount of damage to

"my auto was estimated at this time. V.

"Tenley then asked me to come to his house

"with him to view the damage which he

"considered to be [illegible]. I agreed but

"then I was not familiar with the [illegible] of

"repairs and would have it estimated at
"a repair shop. He then offered to pay
"me $200.00 cash as a settlement - which
"offer I refused to accept. In the
"course of the discussion which took
"place on the street, I was asked to be
"seated in V. Feeley's car."

- - - - -

(N.B.- Appendix A refers to page 5854K)

A/1/FL

FRIDAY, MAY 25, 1962

---On resuming at 10:20 o'clock, a.m.

MR. WILSON: Mr. Commissioner, I asked Mr. Humphrey when he was in the witness box, to save time, to make an arrangement for the production and inspection of certain files that he had where he had acted on behalf of McDermott or Feeley, or the companies which they controlled. Mr. Humphrey has advised me there is some question in his mind, in view of the fact Mr. Rose is representing McDermott and Feeley here, about the propriety of producing those documents in this more or less informal but time-saving way, without some direction from you, Mr. Commissioner.

THE COMMISSIONER: I see Mr. Humphrey in the body of the room.

Come forward, Mr. Humphrey, and tell me what your problem is.

MR. HUMPHREY: I have no objection to producing these files, documents and so forth; but, if there is a privilege attaching to them it is the clients' privilege. In order to protect myself I should have your lordship's ruling that I produce them, or some statement from Mr. Rose that he is prepared and has received instructions from them

[illegible]

[illegible]

[illegible]

MR. [illegible]: Mr. Chairman, I would [illegible] Mr. Dougherty where he was in the [illegible] to make sure, to make an arrangement for the [illegible] and inspection of [illegible] that he had where he had acted on behalf of [illegible] or Dealer, or the corporation which they [illegible]. Mr. Dougherty has advised me there is some question in his mind, in view of the fact Mr. [illegible] is representing himself and another [illegible] that the property of [illegible] documents in this case or into [illegible] and [illegible] only, without [illegible] from Mr. [illegible].

MR. CHAIRMAN: I ask Mr. Dougherty in the [illegible] or [illegible].

[illegible] Mr. Dougherty, and [illegible] [illegible].

MR. DOUGHERTY: I have no objection to producing these files, documents and so forth; but, if there is a privilege [illegible] to them it is the client's privilege. In order to produce myself I should have your lordship's ruling that I produce them, or some statement from Mr. Rose that he is prepared and has received instructions from them

that I produce this, so I would be cleared on that position.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: I do not think there is any doubt, if you ordered a search warrant to be executed, they could be seized and brought before the Commission. Rather than get involved in a thing of that nature I might perhaps make this suggestion: I do not know myself at the moment what documents are involved, aside from a few things Mr. Humphrey has told me. I would be content to waive my clients' privilege to this extent: If Mr. Humphrey wishes to bring these documents - as he says, there is a ton of them - and put them in the custody of Mr. Wilson so he and his assistants can examine them, and if you and Mr. Wilson find certain of these documents are relevant to this inquiry we could go into the question of privilege at that particular time.

2/A THE COMMISSIONER: That seems to expedite it, Mr. Humphrey.

MR. HUMPHREY: Yes, it does, my lord.

THE COMMISSIONER: Then, supposing you have someone bring those down and Mr. Wilson can go through and see what he thinks is relevant and, having extracted them from the bundle you have, we can deal with the problem of privilege at that time.

MR. HUMPHREY: Very well, my lord.

MR. WILSON: Call Mr. Lawrence, please.

THE COMMISSIONER: You mentioned to me in my rooms this morning you have some witness --

MR. WILSON: Yes, I have a very short witness and I could call her now.

THE COMMISSIONER: I was wondering if perhaps it might be appropriate to have this witness stand down and have that witness give her evidence. The witness will be very short?

MR. WILSON: Yes.

THE COMMISSIONER: You have no objection to that?

MR. MacKINNON: Who is the witness?

THE COMMISSIONER: You will see in a moment. The witness will be very short. I know very little about it.

MR. WILSON: Call Mrs. Wood.

MRS. DONNA JUNE WOOD, sworn:

EXAMINED BY MR. WILSON:

Q. You are the wife of Constable Roy Wood of the Ontario Provincial Police?

A. That is correct.

Q. And in the period from January through to May, and subsequent to that date, you resided in Belleville when your husband was stationed there?

THE COMMISSIONER: 1960?

MR. WILSON: 1960, yes.

Q. You resided in Belleville?

A. That is correct.

Q. In January of that year, when R.J.Wright was transferred to Belleville, did he reside with your husband and yourself for a period of time?

A. That is correct.

Q. And at that time you were residing at what address in Belleville?

A. 172 West Moira Street.

THE COMMISSIONER: Q. 172 what?

A. West Moira. West Moira, M-o-i-r-a.

MR. WILSON: Q. Thatis the name of the river there?

A. Yes.

Q. What was your telephone number

at that address at that time?

A. It was Woodland 2-5705.

Q. Woodland 2-5705?

A. Yes.

Q. Can you give us the date when Wright first came to live at your home, and how long he stayed?

A. It was January the 20th, 1960, and he stayed until February 15, 1960.

Q. Now, during that time did he make use of your telephone for long distance calls?

A. That is correct, yes.

Q. And what was the arrangement you had with him in respect to those calls?

A. Well, he is free to use the phone at any time and he paid us at the end of each month for the calls he made.

Q. During the period he actually lived in your home did you overhear any of the calls he made?

A. Yes. I was usually around and most of them were to his fa_mily.

Q. Would you just repeat that part, please?

A. Yes. He is free to use it at any time and I overheard most of them. Most of the calls were to his family, that I heard him speak about. There was one on March the 18th,

Q. After he left your home on February the 15th, did he continue to make use of your telephone from time to time?

A. Yes. He was dropping over to see us, he and his wife, or he would come alone, and he was using the phone after February.

Q. You mentioned a call on March the 18th. How do you recall that particular call?

A. Well, it was a call before my husband, Roy Wood, and Bob and his relative Bob Brant went to a hockey game in Trenton that the Air Force and Provincial Police were playing.

Q. "Bob" is Robert J.Wright, is it?

A. Yes.

Q. About what time of the day was the call made?

A. It was right when I was feeding our little son, Colin, around six o'clock. He came in and asked to use the phone.

MR. WILSON: Would you give the Commissioner a copy of Exhibit 159 for March 18.

Q. You say the call was around six o'clock?

Now, by reference to Exhibit 159, Mr. Commissioner, you see that, on page 6 --

THE COMMISSIONER: Yes, I have it, Mr. Wilson, thank you.

MR. WILSON: -- at 6:05 there was a call

from Belleville, Woodland 2-5705, to Port Credit, Crescent 8-3783.

Q. I think you have told us your number was Woodland 2-5705?

A. That is correct.

Q Is there anything unusual about this particular call, as compared with the other calls he had made from your residence?

A. Well, he had difficulty in getting in touch with the operator, it took a while to have the call put through, and, then, it was a very short, brief conversation and it didn't make sense to me.

THE COMMISSIONER: Just a moment, please. Yes?

MR. WILSON: Q. Why do you say it did not make sense to you?

A. Well, it didn't sound sensible, I mean, the conversation.

Q. Just tell us what you overheard?

A. Well, I can't say the words, but I knew there was direction involved. I don't knew whether it was south, north, I wasn't paying that much attention; but, I knew at the time there was direction. It hit me funny, what they were talking about.

THE COMMISSIONER: Q. He was giving directions, you mean?

A. Something was mentioned about

south or north, east or west. It was something about south or north.

MR. WILSON: Q. That is what suggested to your mind that it was an usual type of conversation?

A. Yes.

Q. And that is what made you --

A. Listen more, then.

Q. And none of the other conversations you heard were along those lines?

A. No. They were to his relatives and, of course, we had heard him speak of them.

MR. WILSON: And I notice by reference to Exhibit 159, Mr. Commissioner, that telephone call lasted 50 seconds.

Q. Now, was there any reason given by Wright as to why he should make this call on March the 18th?

A. No. All day his wife -- My husband and Bob left, oh, around noon, and went down the street together and Roy had to buy something for the hockey game. And during the afternoon Shirley, Bob Wright's wife, kept phoning me, asking me if I had seen the men yet, and I hadn't. She wanted to get in touch with him. So, when he came in he was in a rush to use the phone.

Q. I think that is all.

You recall, Mr. Commissioner, that

Constable Scott has given evidence he had called earlier in the day and left the message with Mrs. Wright --

A. That is right.

Q. -- to have -- Was there any conversation in the bedroom between Wright and his wife about this call that you overheard?

A. No. My husband was at their home before they came to our house. He was over there around five-thirty, and I believe he said he did overhear a conversation, but I was at home, so I wasn't there.

Q. I think that is all, thank you.

THE COMMISSIONER: Any questions, Mr. MacKinnon?

MR. MacKINNON: I have, Mr. Commissioner. We have already had an admission from Police Constable Wright that he did phone McDermott at that time.

EXAMINED BY MR. MacKINNON:

Q Just one question so I am sure I understand your evidence, Mrs. Wood: Was the conversatiomto the effect that they were going down south or going north tonight, was that, generally, what you overheard?

A. Something about going down or up,

but I don't know about tonight.

Q. Was there any time given? Can you remember him saying 10:00 p.m., or anything like that?

A. Not that I remember.

Q. It was the direction that stands out clearly in your mind?

A. It is the direction that stands out clearly in my mind.

MR. ROSE: I have no questions thank you, Mrs. Wood.

THE COMMISSIONER: That is all, thank you.

----The witness withdrews.

THE COMMISSIONER: Now, Lawrence.

WILBERT GOWAN BARTON LAWRENCE, recalled:

EXAMINED BY MR. MacKINNON:

Q. Witness, since last night I have had an opportunity of looking at Commissioner Clark's evidence, and Assistant Commissioner Kennedy's evidence, which is in Volume 7 of the transcript of these proceedings.

A. Yes.

Q. And they both state under oath that while you were being interviewed notes were made in longhand of your interview by Assistant Commissioner Kennedy. Now, do you still swear that there were no notes being made while you were being interviewed on that Sunday morning, May the 29th?

A. I swear to the best of my recollection there would be scarcely more than ten words recorded by Assistant Commissioner Kennedy on that occasion.

Q How would you know? Were you watching what he was writing down?

A. No, but I -- He indicated this

from the length of time he appeared to be recording any notes.

Q. So, in any event, you are prepared to admit he made notes of something during part of your interview at least?

A. No, I am not even certain of that. I am assuming if he did make notes, I am inclined to think it would be a very short time.

Q. If he swears otherwise would you swear to the contrary? That is what I want to know.

A. Yes, I would have to follow my conscience and say I am quite certain -- I am certain he didn't record in any detail the conversation that took place that morning.

Q. Did you make any notes of the conversation that took place that morning?

A. No, sir, I did not.

Q. You are speaking now strictly from memory?

A. Yes.

Q. And are not being refreshed by any notes made at the time or shortly thereafter. Is that correct?

A. That is correct.

Q. Now, I am interested in the timing of your visit to Humphrey's office. According to Commissioner Clark and Assistant Commissioner Kennedy

on Monday morning at 9:16 a.m., Monday, May the 30th, the day after you were interviewed, --

A. Yes?

Q. -- they interviewed your friend Lamorie?

A. Yes.

Q. And he told them -- remember this is Monday morning -- "I have had legal advice. I saw Mr. David Humphrey yesterday." Does that refresh your memory as to when you saw David Humphrey? I suggest to you --

THE COMMISSIONER: Let him answer the question.

A/4 THE WITNESS: I believe it was on Sunday night of the same day.

MR. MacKINNON: Q. All right. You did see, along with Constable Lamorie, Humphrey on Sunday night?

A. Yes.

Q. And you saw him where?

A. At his home.

Q. And is that the first occasion you saw him?

A. Yes, it is.

Q. This is not what you told us yesterday, was it, witness? You said it was his office?

A. I saw him at his office.

Q. Subsequently?

A. Oh, -- There weretwo occasions I saw him. One, I believe it was on a Sunday night, I saw him at his home; and, on the Monday, the following day, I saw him at his office.

Q. Who made the arrangements to see him at his home?

A. I believe I did.

Q. And you took Constable LAmorie along with you?

A. Yes.

Q. Why was he interested in seeing Humphrey at that time?

A. I don't recall, other than the fact that on the Sunday night I mentioned to Constable Lamorie that I was suspended, and, in my opinion, it was because I had been playing cards at the downtown club, and I informed him that I was going to see Mr. Humphreys, or some lawyer with regards to legal advice, and he suggested coming along.

THE COMMISSIONER: Q. Who suggested he go along?

A. I believe Constable Lamorie suggested he go along with me.

Q. Are you sure of that, or did you suggest he go?

A. No, I am not certain, my lord.

MR. MacKINNON: Q. It could have been you

[illegible]

I was wrong. — Sir, I believe it was on a Sunday morning. I was from my own lodging. Sir, on the Thursday, the following day, I was sent for to [illegible].

Q. Did you make your arrangements by your own or your lodgings?

A. I believed I did.

Q. Did you take Constable Lawrence [illegible] with you?

A. Yes.

Q. Why was he interested in finding [illegible] of your house?

A. I don't recall, either from the [illegible] or the Sunday night I mentioned to Constable Lawrence that I was concerned, and, as he was [illegible], it was because I had been [illegible] of the commission club, and I informed him that I had [illegible] Sir Bonaventure, or some [illegible] with [illegible] of local [illegible], and [illegible] [illegible].

[illegible]

Q. I believe Constable [illegible] accompanied me to [illegible] with me.

Q. Did you [illegible] of [illegible], or did [illegible] [illegible]?

A. No. I [illegible] [illegible], [illegible].

Q. [illegible] [illegible] [illegible] [illegible]

who suggested he need legal advice?

A. That Constable Lamorie needed legal advice?

Q. Yes?

A. No.

Q. It could not have been?

A. I am not saying it couldn't have been, I don't know; but I knew Constable Lamorie was at the club playing cards also.

Q. You told us all your constables in the squad had been playing cards?

A. That is true. On that particular Sunday night Constable Lamorie was the only one I was able to contact.

Q. Are you saying you tried to contact Kobelka?

A. I didn't have Kobelka's telephone number, or otherwise I would have called him.

Q. It is a pretty easy number to find in the phone book?

A. No. I understand Kobelka is rooming at some place.

Q. What about the other constables?

A. I didn't know where to contact the others, either.

Q. Why did not you inform Constable Scott to go along with you?

A. I don't know.

Q. Just one of those things?

A. Yes. I believe I called back after having spoken to Constable Scott Sunday morning. I called back, as I recall, and Constable Scott was out. As a matter of fact, I tried to get a hold of him a number of times and I couldn't.

Q. He was then not answering his phone?

A. No, he was out; he was not home.

Q. He was out?

A. Yes.

Q. And this was all day, because you say you did not go until the evening?

A. Yes.

Q. Now, what other officer did you try and get in touch with to take along with you?

A. None; I didn't have their phone numbers.

Q. And you did not make any attempt to locate their phone numbers?

A. No, not a great deal.

Q. Did you not have Constable Moore's telephone number?

A. I had all their telephone numbers listed on a piece of paper somewhere.

Q. I would have thought so.

A. Yes, I did. I believe it was in my office at work. Certainly, I looked for it

A. Yes. I believe I called been [illegible] quite a [illegible] Sunday morning. I called back, as I recall, and somebody Bauer was out. As a matter of fact, I tried to get a hold of him a number of times and I couldn't.

Q. He was then not accessible at home?

A. No, he had left. He was [illegible] home.

Q. He was away?

A. Yes.

Q. Did you see him at all day Sunday or did you not go anything?

A. No.

Q. Did you ever offer [illegible] you or did you go down with to take along with you [illegible]

A. Sunday I didn't have [illegible] those instructions.

Q. And you did not make any attempt to locate these [illegible]?

A. No, not a great deal.

Q. Did you ever have [illegible] [illegible]?

A. I was not their telephone number listed on a piece of paper somewhere.

Q. I could have brought on.

A. Yes, I did. I believe it was in my office or home. Certainly, I looked for it

on my person and couldn't locate it.

THE COMMISSIONER: Q. You recall that, do you?

A. I recall having looked for the slip of paper that I had -- that recorded all the police officers' phone numbers, yes.

Q You recall looking for that slip of paper that particular Sunday?

A. Yes.

Q. For what purpose?

A. I was going to call them.

MR. MacKINNON: Q. Is it on that evening when you were in consultation with Mr. David Humphrey that both you and Lamorie decided you would resign?

A. No. I had decided to resign, actually, at the time of my suspension. However, it was not until the following day, in Mr. Humphrey's office that Lamorie indicated to me that it was his desire to, I believe.

Q. You had told him on Sunday you were going to resign, I take it?

A. I don't actually recall whether I did tell him that on Sunday or not.

Q. He was a very close friend of yours?

A. Yes.

Q. You were in the soup together, why wouldn't you tell him?

A. I don't recall whether I did tell him or not.

Q. It is a pretty fair assumption you did, it was a pretty important step you were taking?

A. I contemplated this for some time and I probably have mentioned it to Constable Lamorie before my suspension. I don't know.

Q. I am interested in Sunday. Did he state, "I am going to go along with you"?

A. I don't recall.

Q. Was he married?

A. Yes.

Q. Has he a family?

A. Yes.

Q. He is a lot younger than you are?

A. Yes, sir.

Q. He did not have a job to go to at that time?

A. No, not that I know of.

Q. But he was prepared to resign,too?

A. I believe his viewpoint was: If he was going to be transferred somewhere in the Province it wasn't his desire to go.

THE COMMISSIONER: Q. And, therefore?

A. And, therefore, it indicated to me his reasons for resigning.

MR. MacKINNON: Q. Even though he

likewise, would be resigning under a cloud? He did not care about that?

A. Yes, but I didn't feel I was resigning under a cloud.

Q. What did you think you were resigning under, commendation, a pat on the back?

A. Well, I felt there was no real, critical suspicion about me. I didn't think the Commissioner, or anyone else, really felt that I had done anything seriously wrong.

Q. Do you really mean us to believe that?

A. Yes, I do.

Q. After the conversation you had with these two gentlemen, which they have sworn to?

A. Yes.

Q. That you really did not feel they were suspicious of you committing any serious offence?

A. I said, I believe that they were suspicious of me but I also believed that they did not sincerely think I had committed those criminal acts.

Q. And yet they were asking you if you had ever taken money from gamblers? They told you that, which you remember?

A. Yes.

Q. That would be a pretty serious offence, wouldn't it?

A. Yes.

Q. And they suspended you?

A. Yes, they did.

Q. But you figured it was not really too serious and you were not really resigning under a very heavy cloud?

A. No, no. It -- As a matter of fact, I rather regret having resigned now. I would have --

THE COMMISSIONER: Q. Why?

A. -- been more inclined to force it to come to a head at that time if I thought the matters they asked me about at that time wouldn't have been cleared up by now.

MR. MacKINNON: Q. You are not stupid, that is fairly apparent, and yet you say you really did not think there was any serious implication in this interview you had with the Commissioner and Assistant Commissioner on Sunday morning. Is that correct?

A. That is correct.

Q. Were you on duty that morning?

A. Well, Sergeant Anderson called me at my home.

Q. Were you on duty that morning? Were you to be on duty that morning?

A. I was to be on duty that morning. Sergeant Anderson called me at my home and told me to report Sunday morning at 9:30.

Q. To report to see the Commissioner?

A. No, he didn't mention the Commissioner. I was expecting to go out somewhere on an investigation.

Q. Apart from Sergeant Anderson's call, you were not listed to be on duty that Sunday morning?

A. No, not prior to Sergeant Anderson calling me. I thought it was to conduct an investigation somewhere.

Q. Then, in this statement -- or, at least, notes of your interview, you have already been asked about this, and this is near the end of your interview, --

A. Yes?

Q. -- do you say Assistant Commissioner Kennedy made notes only towards the end of your interview, is that what you are telling us, so he would not have written down very much?

A. I would say it was about half-way through the interview, or three parts, that Commissioner Clark directed him to take this down; and to my recollection he never took anything down.

Q. He was sitting there with a pencil and paper in his hands but was not doing anything with it?

A. I don't even recall that he did acquire a pencil and paper.

I think he did, somehow; he had something in his hands. That wasn't of any particular importance to me at the time.

Q. Near the end of the interview, according to the notes which have been sworn to by Assistant Commissioner Kennedy, he swears and so does Commissioner Clark, that you told them that on your way back from this raid a few days earlier that you had attempted to phone your wife?

A. Yes.

Q. That you had phoned your wife from St.Catharines, and that it cost forty cents. Now, you have sworn under oath you just tried --

THE COMMISSIONER: Just a moment.

THE WITNESS: No. No, that is not correct. I recall having attempted to call my wife and it cost me exactly nothing.

MR. MacKINNON: Q. It did not cost you anything because you have sworn you did not get through to her?

A. Yes.

Q. It is rather strange, don't you think, Assistant Commissioner Kennedy should have the exact figure in his notes?

A. Yes.

(Page 6050 follows)

B/G3

Q. This must be correct, according to your evidence?

A. Yes. Just a minute, now. I -- I believe that Commissioner Clark might have asked me how much is a phone call from St. Catharines to Toronto, and if he were to ask me that, I would reply 50 cents.

Q. Never mind if he were to ask you that; did he ask you that? Is that what you are swearing to?

A. No, I am not swearing to it, but it is somewhat familiar to me. He may have asked me that.

THE COMMISSIONER: What do you mean, 'it is somewhat familiar to you?' What is somewhat familiar to you?

A. Well, it is fairly familiar in my mind that Commissioner Clark mentioned something about the price of a telephone call from St. Catharines to Toronto, but I couldn't swear to it, My Lord.

MR. MACKINNON: How would you know how much it cost to phone St. Catharines, from Toronto to St. Catharines, rather?

A. From St. Catharines to Toronto?

Q. Or vice versa, it doesn't make any difference?

A. Yes. I have phoned my wife from -- from the St. Catharines area to Toronto.

Q. And does that stick in your

Q. Was your [illegible], [illegible] to your evidence?

A. Yes. Just a minute, sir. I -- I believe that Constable Clark might have been on her post in a phone call from Mr. Jameson to Toronto, and if he were to ask me that, I would verify it there.

Q. Does that if he were to ask me that? Is that what you are saying yet?

A. No, I am not saying to it, but it is somewhat familiar to me. It may have asked me that.

Q. [illegible] that in your mind, 'Is somewhat familiar to you?' What is somewhat familiar to you?

A. Well, it is fairly familiar to my mind that Constable Clark [illegible] something about the price of a telephone call from Mr. Jameson to Toronto, but I couldn't swear to it, by hand.

Q. [illegible]; how would you know how much it cost to phone Mr. Jameson from Toronto to [illegible], [illegible]?

A. Can Mr. Jameson to Toronto?

Q. By that price, it doesn't make any difference?

A. Yes. I have phoned up with from -- from the Mr. Jameson area to Toronto.

Q. But does that [illegible] to you

memory?

A. Yes. When, I wouldn't know. As a matter of fact, I believe I phoned Headquarters on one occasion from St. Catharines too, if I recall correctly.

THE COMMISSIONER: You would reverse the charges, though?

A. No, My Lord, I wouldn't. I would pay for it, cash, and put it on my expense account.

Q. Was that always the practice?

A. Yes. Yes, it was, My Lord, with myself. In fact, I never made that many telephone calls, but any that I did make, particularly when I was working undercover, I would always pay for the calls myself, and include them on my expense accounts.

Q. An unusual procedure....

A. No, I have.

Q. ....an officer calling headquarters, he has to dig in his pocket and get the money to pay for the call. It would be so much easier just to reverse the charges?

A. Yes. Well, when you first join the force, I -- if I remember correctly, they would give you a sum of money, $75.00, or something to that effect, that you used as expense money. Each month they advanced you this much.

[illegible]

A. Yes. Then, I would'n't know.

A. I forgot to tell, I believe I phoned [illegible]

[illegible] on the evening time the [illegible]

[illegible] at 1 (Call) [illegible].

THE [illegible]: You could [illegible]

the [illegible], [illegible].

Q. Yes, or later, I [illegible]. I

[illegible] you the [illegible] and you [illegible]

[illegible] [illegible].

Q. Was that where the [illegible]

A. Yes, [illegible], [illegible],

with [illegible]. In fact, I never made that [illegible]

[illegible] calls, but any time I did [illegible],

particularly when I was [illegible] [illegible],

I would always pay for the calls myself,

and include them on my expense account.

Q. An [illegible] procedure...

A. No, I know.

Q. ....on [illegible] [illegible] [illegible]

[illegible], he has to dig to take phone and

get the money to pay for the call. It would

be an [illegible] [illegible] [illegible] the

[illegible]

A. Yes. Well, when you [illegible]

[illegible] the [illegible], [illegible] [illegible],

they would give you a [illegible] or [illegible], [illegible],

or something to [illegible] [illegible]. [illegible] you

[illegible] or [illegible] [illegible]. [illegible] month they [illegible]

[illegible] you this [illegible].

Q. Supposing they did.

A. Yes.

Q. And restaurant bills to pay, and so forth; telephone Headquarters seems to me to be so much simpler to simply reverse the charges; but you didn't do that, in any event?

A. No, and I don't believe it was the practice.

MR. MACKINNON: If you had called your wife, would you have charged that 40 cents in your disbursement chit?

A. Oh, no, certainly not.

Q. It would be a personal call?

A. Yes.

Q. Well, you wouldn't put it in as one of your disbursements for that day?

A. Oh, hardly. No, no.

Q. But it was because in the past you had called your wife some time that you remembered it was 40 cents?

A. No, it seems to me -- I can't recall what the price is.

Q. Well, they have got a fairly accurate price in their interview notes, 40 cents, and they swear that you said it.

A. Well, ...

Q. Now, you are not sure whether you did or didn't?

A. Not absolutely certain, no; but if they were to ask me the price of a

telephone call from St. Catharines to Toronto, I would say possibly approximately 40 cents.

Q. Why would they be interested in the price of a telephone call from St. Catharines to Toronto?

A. I don't know, unless it was to determine actually whether I intended to call my wife, I don't know.

Q. You intended to call your wife. Would the price of the call make any difference to your intention?

A. No, certainly not.

Q. No. They didn't give you any other hint what they might be interested in?

A. Not specifically, no.

Q. Accepting your story?

A. Yes.

Q. You say they didn't ask you whether you knew Sammy Balson?

A. Yes, they asked me whether I knew Sammy Balson.

Q. And they asked you whether you knew Petrochenko?

A. I think they did.

Q. Yes. And you knew where those gentlemen lived, didn't you?

A. Yes.

Q. Are you now swearing you never telephoned either of those gentlemen at any time?

A. During the time that I was a member of the Provincial Police?

Q. That is right?

A. Yes.

Q. That is the first question. Never?

A. Never, during the time that I was a member of the Provincial Police.

Q. That is right?

A. Since, yes.

Q. That is what I am coming to next. I have got another question. You also now swear, think this one over carefully, that you never received any money at any time while you were on the Provincial Police force from Sammy Balsom?

A. Not as much as a cigarette. I wouldn't accept it.

Q. Well, was it offered to you?

A. It was not, no, sir.

Q. Nor from Petrochenko?

A. Nor from Petrochenko, nor from any other gambler, professional or part time.

Q. Did you tell your friends in the squad in the spring of 1960 that your wife had inherited a thousand dollars?

A. Yes, I did.

Q. And from whom did she inherit this?

A. From her former employer.

Q. And what was his name?

A. This is one of the very few things I am able to prove. I have documentary proof of this. I anticipated this question.

Q. Well, what is his name? What was his name?

A. Williams.

Q. And who was his lawyer? Who was the lawyer handling the estate? Can you tell me that?

A. Well, on the receipt and assignment, it shows Blake, Cassels and Graydon, and on the letter to my wife, dated February 25th, 1960....

Q. Yes?

A. From Mason, Foulds, Arnup, Walter, Weir, and Bochek, Bochek. It looks like Bochek, Barristers and Solicitors.

Q. Were they acting for the estate, or was the other firm acting for the estate?

A. It says here, in this letter:

"We are solicitors for National Trust "Company, executors of the A. E. "Williams estate. We are instituting "proceedings to have the will of the "late Auger Williams admitted to "Probate, and since you are one of "the beneficiaries under the 1955 "will, we would like to discuss one or

Q. Were you Grover employee.

A. Not when you him report.

Q. Then is one of the very few

persons I am able to prove. I have documentary

proof of this. I mentioned this question.

Q. Well, what is his name? What

was his name?

A. Williams.

Q. And was was his lawyer? Was

the lawyer handling the contract? Do you

recall on that?

A. Well, on the particular work assign-

ment, he always talked, formally and informally, but

on the actual day-to-day, never functioned [illegible]

[illegible].

Q. Okay.

A. Were Grover, Pendleton, Jones,

Williams, Cole, and Gordon, Harold. In local

life Grover, Pendleton and Gordon.

Q. Were they working for the union,

or was the union film working for the company?

A. Of course Grover, he [illegible] Lawyer.

"Do you recollect Ken Williams

testify, commencing at the A. 1.

"WILLIAMS [illegible]

"Commencing on June the well of the

"[illegible] WILLIAMS [illegible]

"Pendleton, and Jones you was one of

"the [illegible] since the 1970

"Well, we would like to discuss one or

"two minor matters with you by telephone.

"We have not been able to find your

"telephone number. However, would

"you be kind enough to telephone

"on receipt of this letter, and leave

"us a number at which you may be

"reached.

"Yours very truly, per R.B. Robinson."

Q. That indicated proceedings. Did your wife receive any money prior to the end of May, 1960?

A. $1,000.00.

Q. She did receive it?

A. She did.

Q. After this letter?

A. After this.

Q. And before you were suspended?

A. Yes. I have a receipt here.....

Q. On what date?

A. ....if you like.

THE COMMISSIONER: Just a moment. She inherited altogether how much?

A. $1,000.00.

Q. I see.

MR. MACKINNON: Was that clear of Succession Duty?

A. Yes.

THE COMMISSIONER: And when did -- when did she receive it?

A. That is the receipt, but there

is no date.

MR. MACKINNON: It is undated?

A. But she received it in February or March of 1960. Here is....

Q. You produce a notice requiring you to -- requiring certain people to enter an appearance in the estate of Williams?

A. Yes.

Q. What I am interested in is when did she actually receive the money?

A. It was during the month of February or March, 1960, one or the other.

Q. It couldn't be February, witness, because this notice is dated February 22nd, which institutes proceedings -- which institutes proceedings are going to go forward?

A. Yes. This is the receipt, indicating the amount, $1,000.00.

Q. It is undated?

A. So forth. Yes, it is undated.

Q. Well, possibly....

A. I know for a fact.

Q. ....you could, in the interval, find out the exact date. Presumably there will be a covering letter of some kind, sending the money along?

A. Yes. I am sure the lawyers for that estate could supply that information.

Q. Then you stated you had spoken

to Balsom and Petrochenko after you had been suspended?

A. Yes. I spoke to Sammy Balsom twice since my suspension. I have spoken to Petrochenko once since my suspension.

Q. Well, let's stick with Sammy Balsom. When was the first occasion you spoke to him?

A. It would be soon after my suspension.

Q. And how did you speak to him? Go out to see him?

A. No, I telephoned Sammy Balsom.

Q. From your home telephone number?

A. I don't recall whether it was or not, but I telephoned him, and I asked him what if anything accusations he had made against me. Then....

Q. What would make you think he had made any accusations against you?

A. Because of the implications in the questions, rather the direction of the questions put to me by Commissioner Clark.

Q. Well, now, witness, let's get this clear, please. You thought the only reason you were being suspended was because you played poker or gambled in this Alpine Club....

A. I thought that was....

Q. ....you told us?

A. I thought it was the only reason

I might have been suspended.

Q. Well, why were you worried about Sammy Balson, then?

A. As I say, because of the manner -- manner in which Commissioner Clark directed questions to me, it was obvious to me that he had -- might have had some suspicions that I had been doing business with the persons he mentioned relating to these calls, and that is why I called Sammy Balson. That was soon after my suspension.

Q. You're sure you didn't call Sammy Balson to make sure that his story and your story coincided?

A. Certainly not. I am sure of that.

Q. So you were then -- I take it your evidence now is that it was a pretty serious thing that the Commissioner had been implying in his interview with you on Sunday, May 29th?

A. No.

Q. It was something far more than attending at the Alpine Club?

A. No, no. There was nothing -- the questions he put to me, I didn't take it seriously, because I knew that eventually, and before very long, they would be proven otherwise.

Q. You took it seriously enough

to spend some money and time phoning Sammy Balsom, isn't that right?

A. Yes, and that certainly wasn't much effort.

Q. How did you know his telephone number?

A. I didn't. I believe I must have requested it from the information in that area.

Q. That is what you believe?

A. I am certain, yes.

Q. Who suggested you telephone Sammy Balsom?

A. Nobody. No one at all.

Q. And what did you say to that gentleman, and vice versa?

A. I asked him if he had made any accusations against me, or had he been telling any stories to any of his local friends, or anything that would -- to the effect that I had been doing some sort of business with him. He replied that he had not.

Q. So, if he comes here and tells us, or has told us, that he did pay money to you, you say he is lying too?

A. That is correct. Most definitely, yes.

Q. Well, now, that is very interesting, because I understand Mr. Balsom

has an unlisted telephone number. Why would you get that number from the information?

A. I don't know, but that was the case.

Q. You are saying that information gave you an unlisted telephone number?

A. Yes, the girl must have.

Q. Why would you have that kind of influence?

A. I didn't have that type of influence. All I recall is having phoned, and I -- I am quite certain I asked the operator over there for Sammy Salsom's telephone number, and I was put on this line.

Q. What is -- what is the purpose....

THE COMMISSIONER: Did she ask where he lived?

A. Where I -- where Sammy Salsom lived?

Q. Yes?

A. Yes, and I said....

Q. Did you know?

A. No. Yes, I said I didn't know. I said it was in the St. Catharines area, and she said she would put me through to the number she had, or something to that effect.

MR. MACKINNON: What is the purpose of an unlisted number?

A. So that nobody can get ahold

of your number, locate it.

Q. That is right.

A. Umhum.

Q. But you got ahold of it?

A. Apparently so, yes.

Q. That is your explanation?

A. Yes, it is.

Q. When did you phone him the first time?

A. - - I believe it was on the Sunday.

Q. The Sunday?

A. The same day that I was suspended, or it could have been the next day.

Q. You didn't waste any time, did you?

A. No.

Q. It must have been pretty urgent?

A. No.

Q. Just you wanted somebody to talk to?

A. I was certainly curious, that was all.

Q. And you called Petrochenko the same day?

A. No, I didn't call Petrochenko at all.

Q. Well, we will come to Petrochenko in a minute, then.

A. In fact I never have called

Petrochenko.

Q. Now, are you swearing that you asked information for the telephone number of Sammy Balson?

A. To the very best of my recollection. I -- I can't swear to it. It is an incident....

Q. Why can't you?

A. Because I can't remember it clearly.

Q. I thought you just did?

A. I believe I must have.

THE COMMISSIONER: Will you read that question, please, Mr. Reporter? 'Will you swear?'

THE REPORTER: "Now, are you swearing that you asked information for the telephone number of Sammy Balson?"

THE COMMISSIONER: Well, now, just a moment ago you did swear to it?

A. Well, certainly I got the telephone number from the operator, My Lord, and certainly....

Q. Well, she wouldn't give it to you without you asking for it?

A. No, of course not.

Q. Well, then.....

A. Certainly I asked for it.

Q. Why do you say in one breath definitely you asked her for the telephone number of Sammy Balson, and in the next breath you say you don't want to swear to that?

A. Because I know of no other means by which I would have come by his phone number.

Q. There are other possible means, you know. You may have had it?

A. No, I didn't have his phone number.

MR. MACKINNON: I am also interested in the fact that the name you asked for would be Sammy Balsom?

A. I would be inclined to say yes.

Q. You didn't ask for him in some other name?

A. No.

Q. I just wanted to get that clear. Then you stated he had said no, he hadn't done anything, or hadn't told anybody anything. Why were you anxious to see him or phone him again?

A. That conversation was very brief. Now, there was one evening that I was sitting in Mr. Humphrey's office with Constable Lamorie.

Q. When was this?

A. I -- I don't know, but it -- it could have been the same day, or it could have been....

THE COMMISSIONER: The same Sunday?

A. Yes, it could have been, or -- no, no. It must have been the next day. I wasn't in Mr. Humphreys office on the Sunday.

It must have been Monday, or one day towards the first of that -- the first of the week, and Constable Lamorie and myself were talking to Mr. Humphreys when he received a telephone call, and apparently it was Sammy Balson.

MR. MACKINNON: He was calling Humphrey?

A. Yes.

THE COMMISSIONER: Just a moment.

A. Yes, he was calling Humphreys, and I don't know what the conversation was, but Mr. Humphrey says, "Well, by coincidence he is here now," or Lawrence is here now, or something to that effect.

MR. MACKINNON: Is Humphrey Balson's lawyer as well?

A. I don't know.

THE COMMISSIONER: Just a moment, please.

MR. MACKINNON: Yes?

A. And....

Q. 'By a coincidence they are here now', or something to that effect, that being you and Lamorie, I suppose?

A. No. I don't know whether he said that, or whether he said Lawrence is here now. Something to that effect.

THE COMMISSIONER: That may be very important.

A. Well, I can't recall, My Lord, what Mr. Humphrey said on the telephone exactly,

but it was something to that effect. Then I took the telephone, and I spoke to him, and....

MR. MACKINNON: Did he want to speak to you? Did he ask to speak to you?

A. Apparently so, yes; and I had a conversation with him, and he says, "Well, I can't figure this all out. What's it all about?" And suggested we get together and have a talk, or we meet. "Well," I said, "I'm certainly not driving away over to St. Catharines, but I would like to sit down with you and discuss how...."

Q. How?

A. "How, or if any possibility -- how there is any...."

Q. Careful now.

A. Yes. "How there was any indication of you and I." It is -- so, in the course of that conversation, we agreed to meet in the Town of Burlington. This was the same evening.

Q. Sort of a half-way house, was it?

A. Yes. Umhum. And I drove to Burlington.

Q. With Lamorie?

A. Yes.

Q. Yes. Anybody else with you?

A. Yes, Mr. Humphreys.

Q. I see.

[illegible] I
[illegible] the [illegible], and I [illegible] to [illegible], [illegible]
[illegible]. [illegible] and he wants to [illegible]
to [illegible] [illegible] be [illegible] for [illegible] to you?

A. Apparently so, yes; and I had a conversation with him, and he says, "Well, I don't figure [illegible] all one. [illegible] [illegible] [illegible] have a [illegible], or [illegible] [illegible]. "Well," I said, "I'm certainly not [illegible] away over to [illegible], [illegible]. But I would like to sit down with you and [illegible] [illegible]."

Q. [illegible]

A. "[illegible], or if any possibility [illegible] [illegible] [illegible]...."

Q. [illegible] [illegible].

A. Yes. "[illegible] [illegible] [illegible] [illegible] of you and I." [illegible] [illegible], [illegible] [illegible] of [illegible] [illegible], [illegible] [illegible] to [illegible] [illegible] [illegible] [illegible]. This was the [illegible] [illegible].

Q. [illegible] [illegible] of a [illegible] [illegible], [illegible] [illegible]

A. Yes. [illegible], [illegible] I [illegible] [illegible] [illegible].

Q. [illegible] [illegible]

A. Yes.

Q. Yes. [illegible] [illegible] with you.

Q. [illegible], [illegible]

A. I see.

A. And I agreed to meet him at a restaurant there.

Q. Now, what evening was this?

A. I beg your pardon?

Q. What evening was this?

A. I am not entirely sure, but it was one evening towards the-- it was a Monday, Tuesday, or Wednesday of the week following that I was suspended.

Q. It was not the day following?

THE COMMISSIONER: Following? You mean the week of your suspension?

A. The week of my suspension, yes.

MR. MACKINNON: Well, you had resigned by the time you saw Sammy Balsom?

A. I believe so.

Q. You resigned on Monday evening?

A. Yes.

Q. May the 30th, when you delivered your resignation jointly with your friend Lamorie?

A. Yes.

Q. To Sgt. Anderson, isn't that correct?

A. I don't recall, but it could have been, yes.

Q. Well, we have had that evidence sworn to. You're not saying Sgt. Anderson is incorrect?

A. Certainly I delivered my resignation

to Sgt. Anderson's home, but exactly....

Q. Where did -- was it on that date you went over to Burlington to see Belsom?

A. I don't recall exactly, but....

Q. It couldn't very well have been that evening, could it, because you were into Sgt. Anderson's home that evening?

A. Yes. I don't recall whether it was that evening or not. However, we drove to Burlington, and Sammy Belsom was in the area that we agreed to meet him.

Q. Where did you agree to meet him?

A. At a restaurant there. I believe it was the Clams Restaurant, if I remember correctly, and....

THE COMMISSIONER: It was what?

MR. MACKINNON: The Clams.

A. The Clams Restaurant.

MR. MACKINNON: It is a restaurant.

THE COMMISSIONER: Oh.

A. And we had a conversation that lasted approximately....

Q. Well, what....

A. ....ten minutes.

Q. I'm lost.

A. Yes?

Q. You had agreed to meet him at the Clams Restaurant, did you?

A. Yes, sir.

Q. When you got there he wasn't there, is that what you said?

A. Yes, I believe he was there.

Q. I thought you said that he wasn't at the place that you agreed to meet him?

A. I don't recall saying that. I met him at the Clans Restaurant.

THE COMMISSIONER: Didn't the witness....

MR. MACKINNON: He said 'he was in the area'. I wasn't quite sure what he meant by that.

A. Whether we were there a few minutes ahead of him or not I don't recall.

THE COMMISSIONER: All right.

A. However, I met hinat the Clans Restaurant, and we discussed....

MR. MACKINNON: Who did he have with him?

A. No one.

Q. No one?

A. No, no one.

Q. Petrochenko wasn't there?

A. No, he wasn't. If he was, I didn't see him; and I mentioned again to Sammy Balcom that I had been suspended, and in the course of my suspension I had been -- his name had been mentioned, and Petrochenko's name had been mentioned, and the conversation inferred to me that the Commissioner might have had some

suspicions that I ~~was~~ had been doing business with him and I asked him how could this possibly come about, how could this possibly come about, and I asked him again did he say anything, or even in a joking manner, anything that might have been or construed by anybody as such. He again reassured me he hadn't.

Q. Hadn't you heardthat he had threatened to go and see the Commissioner, prior to this date?

A. Certainly not,no. Now, this pretty well concluded the conversation. He asked me what it was all about. I told him as much as I knew; he told me apparently as much as he knew. That concluded my interview, and we left.

Q. Well, it is rather strange to drive all the way over there, just to get the same thing you had already had twice on the telephone?

A. No. We felt that by seeing each other in person we could discuss at greater length, and determine perhaps all the possibilities of how something might have originated.

Q. Did he indicate how he might happen to be calling Humphrey when you were in the office, just at the time of your suspension?

A. No, he didn't.

Q. That is another coincidence, is it?

[illegible] that I was had been doing business with him and I asked him how could you possibly come about, how could this possibly have occur, and I asked him exactly did he say anything, or even in a jesting manner, suggesting that might have been or constructed by anybody at work. He again reasserted to be truly.

Q. Didn't you hereupon that he had threatened to go out and [illegible] police in this place.

A. Decidedly yes. Yes, truly. Money will accomplish the construction. He asked me what it was all about. I told him as much as I knew in this as apparently as much as he knew. That constructed by [illegible] and so forth.

Q. Well, is it rather strange to drive all the way over there, just to get the same thing you had already had taken on the telephone.

A. No. He felt that by seeing such money in person or could discuss it [illegible] thoroughly, and determine whether all the possibilities of the commission might have originated.

Q. Did he indicate that he might have to be carrying thousands when you were in the office, just at the time of your measurement.

A. No, he didn't.

Q. Just in another circumstance, is [illegible]

A. Well, I telephoned Sammy Balson prior to this. I had been speaking to him prior.

Q. Oh, yes, you had been speaking to him, but you finished that conversation?

A. Yes. Umhum. And how he came to phone Humphreys I don't know. I couldn't say.

Q. But you will agree it is a rather strange coincidence, isn't it, that he should phone on the Monday?

A. Unless, of course, I might have mentioned to him that I had been seeking advice from Mr. Humphreys. I don't know exactly how he would.

Q. At the time you knew, that Sunday, that Humphrey was also acting for Wright?

A. Oh when? On the Sunday?

Q. On the Sunday, when you went to see Humphrey?

A. No.

Q. You did not?

A. I did not.

Q. Well, he would tell you previously?

A. No, I don't recall him having told me.

Q. I take it you knew, quite obviously, that Humphrey was Feeley and McDermott's lawyer, didn't you?

A. I?

Q. It was common gossip, wasn't it,

in the squad?

A. Yes, it was common knowledge that he had acted for them in the past, I believe.

Q. Is that what sent you to Mr. Humphrey?

A. Certainly not. Not at all. I had known Mr. Humphrey previously, and I knew him as a good lawyer, and I decided to see him.

Q. Had Wright known Humphrey previously?

A. I don't know whether he did or not.

Q. You didn't discuss that with Wright?

A. No.

Q. Now, are you saying that is the last time you spoke to Sammy Balsom?

A. No. The last time I spoke to Sammy Balsom....

THE COMMISSIONER: Well, just a moment. Take it in order.

MR. MACKINNON: Maybe the next time you spoke to him?

THE COMMISSIONER: Yes, tell us the next time you spoke to him?

A. The next time was the last time.

THE COMMISSIONER: I see.

MR. MACKINNON: You started out telling us you only spoke to him twice. We have now got three times, and on th the fourth time.

A. I spoke to him briefly after my suspension.

Q. Oh, Yes. So, all right, that is the next time.

A. The next time was approximately a month ago, I would say.

Q. After you had been subpoenaed for this Commission?

A. Yes. Uuhum.

Q. Yes. How did you get that one up?

A. Constable Lamorie, I believe it was, informed me that Sammy Balsom said that Petrochenko was anxious to speak to me, and through Kenneth Lamorie an interview was arranged here in Toronto.

Q. And where was that interview? Where was that interview held?

A. At a bowling alley down off the -- near the intersection of Dundas and Yonge. I think it is Edward Street. I am not sure.

Q. Do you know whether any policemen were present on the premises on that occasion?

A. Do I know if there were any?

Q. Yes?

A. Well, I don't know, but there was a good many people there. I don't know if they were policemen or not.

Q. All right. Would you tell us the reason for that meeting, and what occurred?

A. Yes. That meeting lasted approximately 2 minutes.

THE COMMISSIONER: Who -- who was present?

A. Myself, Sammy Balsom, and Petrochenko.

MR. MACKINNON: Petrochenko?

THE COMMISSIONER: Just a moment. Lamorie wasn't there?

A. No.

Q. But he was the one who had set the meeting up, was he?

A. Well, he wasn't there at the time. He wandered off some place.

Q. Well, had you and he gone to the bowling alley at Dundas and Yonge together?

A. Lamorie and I?

Q. Yes?

A. No, no.

(Page 6080 follows)

THE COMMISSIONER: Lamorie wandered off some place?

A. Lamorie wandered off some place to have a drink.

Q. When?

A. While I was waiting for Petrochenko to show up.

Q. Then, you did go down together?

A. No.

Q. Did you leave there together?

A. No.

Q. You know who I am talking about?

A. Yes. I met Sammie Balsom and Kenneth Lamorie at the bowling alley.

MR. MacKINNON: Q. Lamorie was there?

A. Yes, but in the meantime, waiting for Sammie Balsom to show up, Lamorie wandered off to have a drink.

Q. Who set up the meeting for Petrochenko?

A. Apparently Sammie Balsom did. Apparently Sammie Balsom wanted to speak to me, which he did. Apparently he wanted to speak to Kenneth Lamorie. But in any event, Lamorie wasn't around at the time when Petrochenko arrived - - -

Q. He was there when Sammie Balsom arrived?

A. What I mean, he wasn't right there, he was out having a drink someplace, and

was going to come back. I had a few words with Petrochenko. Petrochenko walked away, and so did I.

Q. What was Sammie Balsom doing all this time?

A. Sammie Balsom was standing there.

Q. Yes. He wanted to see you?

A. Petrochenko, not Sammie Balsom.

Q. What was Sammie Balsom doing there then?

A. He came down with Lamorie.

Q. Sort of a referee. Sammie Balsom came down with Lamorie?

A. Yes, they drove down together.

Q. Lamorie was then in St.Catharines?

A. He lives there.

Q. That is where he lives now?

A. Yes.

Q. He brought Balsom down with him?

A. Yes.

Q. Petrochenko didn't come with him, is that what you are saying?

A. Petrochenko came by himself.

Q. Petrochenko lives where?

A. Thorold.

Q. All right. What was - - - First of all, what did Lamorie tell you Balsom had told him? They obviously must have been talking together on this trip down?

A. Nothing.

Q. Nothing?

A. Nothing. I don't recall Lamorie relating to me any of the conversation he had with Balsom on the way down. I don't recall that. The purpose of the whole thing - - - -

Q. Lamorie had received a subpoena from this Commission as well at that time?

A. No, as a matter of fact, he did not.

Q. And the reason for Petrochenko coming was that he had received a subpoena at that time. Was he looking to you for legal advice?

A. Certainly not.

Q. What was the reason?

A. Much along the line of what was said, said what this was all about. How his name was mentioned.

Q. What did you say about Petrochenko?

A. Absolutely nothing.

Q. What did he think you could say?

A. I don't know, but the thing was mentioned in the paper. He could have had a good many thoughts.

Q. He was concerned enough to come down and see you in a bowling alley?

A. Yes, certainly. That is quite proper.

Q. You reassured one another, I take it?

A. Yes, but the inference should not be drawn, what I think you are trying to infer. We merely mentioned to one another that we had not said anything, and couldn't understand how all this ridiculous conversation had originated. Apparently Constable Scott gave birth to the whole works. Other than that we were looking for some other reason.

THE COMMISSIONER: Why did you set the meeting up at the bowling alley, that seems a rather unusual place, in the morning?

A. I do know Petrochenko was quite a bowler, and as a matter of fact, when he left us, which was only a brief discussion in front of the bowling alley, he walked into the bowling alley.

Q. You didn't go into the bowling alley to have your talk?

A. No, I was in, I walked out on the sidewalk when he showed up.

Q. And did Lamorie leave you standing on the sidewalk while Lamorie went for a drink?

A. Did who leave me standing there?

Q. Lamorie?

A. When Lamorie went for the drink I don't know whether I was in the bowling alley

Q. Did you remember one another, I take it?

A. Yes, but the interview should not be prolonged, and I think you are trying to allow it unduly enlarged in the manner that is not very original, but nevertheless somewhat in all this rationalizing considerations and circumstances. Consequently Dunlaie lost sight of him in the small world. Then that had no more journey for some other reason.

The CROSS-EXAMINER: Did you get on the machine in my [illegible] city, that some [illegible] [illegible] plane, in the morning?

A. I do know [illegible] was quite a [illegible], and as a matter of fact, when he [illegible] [illegible], which was only a brief interruption in [illegible] of the [illegible] [illegible], he walked into the [illegible] [illegible].

Q. You didn't go into the building alley to have your [illegible]?

A. No, I was in, I walked out on the [illegible] when he [illegible] up.

Q. And did [illegible] leave you standing on the [illegible] while [illegible] [illegible] a [illegible]?

A. Did you leave me standing [illegible]?

Q. [illegible]?

A. When [illegible] [illegible] for the [illegible] I don't [illegible] [illegible] I was in the [illegible] [illegible]

or on the sidewalk out front. I was in that area, anyway.

MR. MacKINNON: Q. What time of day did you say this was?

A. In the evening.

THE COMMISSIONER: You are sure of that?

A. I beg your pardon, my lord?

Q. You are sure of that?

A. Yes, I am sure of that.

MR. MacKINNON: Q. About a month ago?

A. Approximately.

Q. All right. Tell us what you talked to Balson about while you were waiting for Lamorie to come back?

A. Nothing particular. Anything that we had discussed had previously been discussed.

Q. You weren't reassuring one another?

A. No.

Q. How long did you have to wait for Lamorie to come back?

A. It was quite some time after Petrochenko left and went into the bowling alley. Well, approximately five minutes.

THE COMMISSIONER: Are you a bowler, too?

A. Occasionally, yes, my lord.

MR. MacKINNON: Q. Did anyone come back with Lamorie? Come back with him?

A. Come back with him?

Q. Yes. When you next saw him?

A. Come back? Where do you mean, sir?

Q. Wherever you met with him?

A. Oh, no, he was alone when he came back from the drink.

Q. Wherever he went?

A. Yes.

Q. Did he tell you he had spoken to someone when he was away?

A. No, he did not.

Q. This lengthy period you were standing talking to Sammie Balsom, you didn't discuss this Commission or your evidence?

A. I didn't discuss my evidence.

Q. Or the Commission?

A. I might have mentioned the Commission, but we didn't discuss my evidence.

Q. Was it suggested by either you or Sammie Balsom if you all stuck together everything would go well?

A. No, it was not. He didn't. I realized at the time when I was meeting them that there would be quite an inference of guilt drawn by various counsel at this Commission.

Q. You were still anxious to meet him?

A. No, not particularly anxious, but I did, yes, in spite of that.

Q. You now say that is the last time you spoke to him either by telephone or face to face?

A. Yes, that was the only time I had spoken to Petrochenko since having conducted a raid on his premises in St.Catharines in the month of May or April.

Q. You now state that is the only time you spoke to Petrochenko?

A. Yes.

Q. Since your suspension?

A. That is correct.

Q. Either by telephone or otherwise?

A. Any means, yes.

Q. Did Joseph McDermott speak to you last night?

A. No, he did not.

Q. You were speaking to Mr. Humphrey last night?

A. Only in the hall here and briefly on the street down here when I left.

Q. He is not your counsel in this Commission?

A. No, he is not, I don't have one.

Q. Have you paid your fees to Mr. Humphrey for his services?

A. No, not yet.

Q. Are they to be paid by someone else?

A. No.

Q. Have you been billed?

A. No, not yet.

Q. And they were performed two years ago?

A. They are not concluded.

Q. He is not acting for you here?

A Not at this Commission, but I intend to pursue matters further.

Q. You have been there to see Mr. Humphrey, I expect, from time to time?

A In connection with the accusations made against me, I contemplate bringing a legal suit against Constable Scott. And for this reason I expect to be seeing him.

Q. So, you feel the bill can lay dormant for a few years?

A Yes.

Q. While you contemplate legal action?

A. Yes, sir.

Q. But he has never sent you a bill, I suggest?

A. No, he has not.

Q. When did you last speak to Joe Yartura?

A. I don't recall ever having spoken to the man in my life. In fact, I wouldn't recognize him if I saw him. I recognize the

Q. Do.

Q. Have you been injury

A. No, not yet.

Q. And they were performing the

operation?

A. They were not operating.

Q. So is not serious for you injury?

A. Not at this treatment, but

I believe he process medical physicians.

Q. You have been treated so you do.

Interpreter, I suppose. Just stop to think.

A. In connection with the accident

made against me, I contemplate entering a legal

suit against Consolidated Foods. And for this

reason I expect to be seeing him.

Q. So, you lost the $211 and the

expense for a few pennies?

A. Yes.

Q. Which you contemplate legal

action?

A. Yes, sir.

Q. Are he not answer case you a call?

A. Suppose.

A. Oh, he did not.

Q. When did you last speak to

the Interpreter?

A. I think still had letter from

to him was in my life. In fact, I remember

receiving him at a bar bar. I remember the

name, that is all.

Q. He was supposed to be one of your patches,wasn't he?

A. Among many others, according to the newspaper reports, I believe he was.

Q. Wasn't his name mentioned to you by the Commissioner?

A. Commissioner Clark?

Q. In your interview with Commissioner Clark?

A. No.

Q. It was not?

A. No.

Q. Or the Flamingo Club, was it mentioned to you by Commissioner Clark?

A. It could have been.

Q. Do you know who operates that club?

A. No.

Q. No idea?

A. I have an idea.

Q. Well, tell me?

A. Yartura, but I am not certain.

Q. In any event, you say you did not speak to him, although you spoke to Petrochenko and Balsom, you didn't speak to Joe Yartura?

A. I don't believe I have ever spoken to him in my life. I don't believe I have

[illegible] what is all.

Q. He was supposed to be one of [illegible] [illegible]?

A. Among many others, according to the [illegible] report, I believe he was.

Q. Wasn't it a most [illegible] to you by the [illegible]?

A. [illegible]

Q. In your interview with [illegible]

[illegible]

A. No.

Q. It was not?

A. No.

Q. Do you [illegible] was it [illegible]?

A. It could have been.

Q. Do you know who [illegible] that [illegible]?

A. No.

Q. No idea?

A. I have an idea.

Q. Well, who?

A. Secretary, but I am not certain.

Q. In any event, you say you did not [illegible] to him, although you knew he [illegible] and [illegible], you didn't speak to the [illegible]?

A. I don't believe I have ever spoken to him in my life. I don't believe I have

ever seen him in my life.

Q. That is not my question.

A. No, I didn't speak to him.

Q. Have you been in Mr. Rose's office in the last three weeks?

A. No. In the last three weeks? I was in Mr. Rose's office once, whether it was in the last three weeks I couldn't swear, approximately.

Q. Since this Commission started you have?

A. Yes.

Q. And at that time you knew Mr. Rose was acting for Feeley and McDermott?

A. Yes, I did.

Q. Why did you go in his office?

A. I went to Mr. Rose's office with a form I had drawn up, a form of affidavit, to give to him, to reassure him, or anyone else, that in the event of my death, or in the event anything happened to me, or in the event I never have the opportunity of giving evidence in a Court of law, or at this Commission, I wanted in all fairness to these other persons implicated with me, mentioned with me.

Q. Feeley and McDermott?

A. Yes.

Q. We must be fair to them?

Have seen and study this.

Q. Have it now my recollection.

A. Yes, I didn't express it quite.

Q. Have you been in Mr. Moore's office in the last three weeks?

A. No. In the last three weeks?

I was in Mr. Moore's office once, without it was in the last three weeks, I cannot remember exactly.

Q. Since this Conciliation Commission was here?

A. Yes.

Q. Did you talk with you about it.

Have you written the Pacific and Interurban?

A. Yes, I did.

Q. Why did you go to his office?

A. I went to Mr. Moore's office with a form I had drawn up, a form of affidavit, to give the film, the reasons then, or anyone else, that in the event of my death, or in the event of physical disagreement in my, or in the event I never have the opportunity of giving evidence in a Court of Law, or in this Commission, I wished it all formed to Mr. Moore which provided implicitly my reasons with me.

Q. Pacific and Interurban?

A. Yes.

Q. Is that as full as that?

A. Not that specifically, anybody. I wanted an affidavit present that they could avail themselves of, anybody could avail themselves of.

Q. Who drafted the affidavit?

A. Myself entirely.

Q. And you went on your own initiative to Mr. Rose?

A. Yes.

Q. How did you know he had anything - - it wasn't in the papers until later?

A. Well - - - -

Q. Tell me?

A. Well, I believe Mr. Humphrey might have told me, if I hadn't read it in the papers, Mr. Humphrey might have told me.

Q. Might have?

A. Yes.

Q. You are sure it wasn't Mr. McDermott or Feeley that told you?

A I am positive.

Q. In other words you identify your interest here with McDermott and Feeley?

A. No, I am not really concerned with them. I felt in all fairness - - -

Q. Why didn't you give your affidavit to Mr. Wilson? You heard of him?

A. Yes.

Q. You never thought of that?

A. No, I did not.

Q. You thought Mr. Rose would be more interested in it?

A. Yes.

THE COMMISSIONER: But why didn't you give it to Mr. Humphrey?

A. Because apparently Mr. Humphrey informed me - -

MR. MacKINNON: Q. Now, you are getting very clear?

A. Yes. That Mr. Rose was acting for Mr. McDermott and Feeley and not himself.

Q. You are now sure it was Mr. Humphrey told you?

A. No, I am not sure, but I believe it was.

THE COMMISSIONER: Mr. Humphrey was your solicitor?

A. I beg your pardon?

Q. Mr. Humphrey had acted for you, I say?

A. Yes.

MR. MacKINNON: Q. Is still acting, you say?

A. He has given me legal advice.

THE COMMISSIONER: Quite so.

A. Yes.

Q. Then, out of your sense of fairness, why didn't you go to Mr. Humphrey and say, if

anything happened to you - - - By the way, were you fearful something might happen to you?

A. No.

Q. A matter of caution?

A. Yes, I thought in fairness to everyone - - -

Q. In fairness to everyone why didn't you give it to your lawyer, a man in whom you had great confidence?

A. Because I thought Mr. Rose might be more concerned.

Q. Because of what?

A. Because he was acting for McDermott and Feeley.

Q. But you didn't have any connection with McDermott and Feeley?

A. Absolutely none whatsoever.

THE COMMISSIONER: Go ahead.

A. It is a matter - - -

MR. MacKINNON: Q. You - - -

THE COMMISSIONER: He wants to say something.

MR. MacKINNON: Q. Yes?

A. As a matter of fact, I also made consultations with another lawyer, and I filed with him, primarily for the same purpose, a long time ago, an affidavit to the same effect.

THE COMMISSIONER: Who was he?

A. Mr. Eccleston.

Q. Ecclestone?

A. Yes.

MR. MacKINNON: Q. Why were you filing these affidavits all over the place?

A. I wasn't, I only filed one affidavit.

Q. I thought you said you gave Mr. Ecclestone an affidavit, the same affidavit?

A. I did, but what I actually gave Mr. Rose wasn't an affidavit, it was a written document signed by me. I took it up to Mr. Rose in the event he felt he would like to have a sworn affidavit from me, I would be willing to give it to him.

Q. Are you sure witness this wasn't to forestall something happening to you, so that Mr. McDermott and Feeley would know precisely what you were going to say when you arrived here?

A. Certainly not, that is not the thought in my mind at all.

Q. You said in case - - -

A. In case something happened, I thought in all fairness people should know by a form of an affidavit, sworn affidavit, what I - - - -

THE COMMISSIONER: You didn't give him an affidavit. A little while ago yu said you gave him an affidavit you prepared. I was a little

Q. Do I know?

A. Yes.

MR. McCLEMENT: Q. Did you see the filing

these affidavits all over the place?

A. I mean?, I MEAN only filed one affidavit.

Q. I thought you said you gave Mr. McClement an affidavit, the same affidavit?

A. I did, but what I actually gave Mr. Gow really an affidavit, it was a written statement signed by me. I then it up on my mind in the event he felt he would like to have a sworn affidavit from me, I would be willing to give it to him.

Q. Are you sure without being asked to formerly something supporting to prove to that Mr. McClement and Presley would know precisely what you were going to say when you arrived there?

A. Certainly not, that is not the thought in my mind at all.

Q. You said in case - - -

A. In this something happened, I thought in all fairness people should know a fact of an affidavit, sworn affidavit, that I - - -

THE CONSTABLE: Mr Gow's give him an affidavit. A little while ago you made your own an affidavit you produced. I was a little

astounded you would know how to draw up an affidavit?

A. I prepared it myself entirely. I had no assistance from anyone.

Q. It wasn't an affidavit, it was a statement?

A. A statement, yes, that would be more correct.

Q. Now, how much earlier was it that you gave an affidavit to Ecclestone?

A. I would estimate a year.

Q. How long after your suspension?

A. I would estimate a year.

Q. It would be in the spring, then, of '61?

A. I don't recall when it was, but it was last year sometime.

Q. Just a moment. Had anyone suggested that?

A. Absolutely not.

Q. You went to Ecclestone's office?

A. I did, yes.

MR. MacKINNON: May I ask a question, Mr. Commissioner?

THE COMMISSIONER: Just a moment. Just a moment. Yes, Mr. MacKinnon?

MR. MacKINNON: Q. Just on that business of going to Ecclestone. Wasn't it either Ernie Midgely or Jackie Riggs suggested that you go to Ecclestone?

A. No, definitely not. Nobody suggested I go to Ecclestone.

Q. Have you discussed this with Midgely or Riggs?

A No.

Q. Have you spoken to them since you retired from the force?

A. No. In fact, I don't think I have spoken to them in my life. Midgely?

Q. Ernie Midgely?

A. I believe he was one of the persons - - - I don't know whether I spoke to him or not. The name is familiar. I can't place the person.

THE COMMISSIONER: Where is Ecclestone's office?

A. It is located on Bay Street, south of Richmond.

Q. Had you drafted up this statement that you wanted him to incorporate in an affidavit before you went to his office?

A. No, I didn't draft anything, I went down.

Q. And told him?

A. Yes, I spoke to him. I wanted legal advice. I thought I would like to go to a separate lawyer and get legal advice and speak to him.

MR. MacKINNON: Q. Is it just a

coincidence that at this time Ecclestone was acting for one John Mullis who was charged with attempting to bribe a juror in the first trial of McDermott and Feeley?

A. No, I had no knowledge ---

Q. It was in the papers?

A. ---until you told me.

Q. Until this moment you had no knowledge there was a person charged with attempting to bribe a juror?

A. Yes, but I didn't know Mr. Ecclestone was acting for that person.

Q. How did you happen to go to Mr. Ecclestone?

A. No particular reason. I didn't know, but I had heard of Mr. Ecclestone. I hadn't met him before, but I had heard of him, and I went to see him.

Q. Did you know he was a member of the Yets Club?

A. Ecclestone?

Q. Is that where you had met him?

A. No, I certainly never knew that. In fact, I didn't know that he had any connection with any of the persons. That is why I went to him, I thought he was a completely outside source.

THE COMMISSIONER: Then, you went to him and told him that you wanted an affidavit

setting out your side of this?

A. Yes. Yes, that came up in the conversation. And I told him I would like to file an affidavit, which I did.

Q. File it where?

A. With him.

Q. Oh, I see. You signed the affidavit, swore to it, and left it with him?

A. Yes.

Q. Did he give you a copy?

A. No, he did not.

Q. Supposing anything happened to you, who was to know that Ecclestone had an affidavit from you?

A. I suppose Mr. Ecclestone.

Q. Anybody else?

A. No.

Q. Did you tell your wife that you had left it with Ecclestone?

A. Yes, I believe I did. Yes.

Q. Anybody else?

A. No.

Q. You are sure of that?

A. Not that I know of. Yes, I am quite sure of it.

MR. MacKINNON: Q. Can you secure that, or a copy of that affidavit for us?

A. I would certainly think so, yes.

Q. I would like to see it. And this

statement you gave to Mr. Rose, within the last month or so, I take it that that was a statement clearing Peeley and McDermott?

A. It wasn't intended to clear anybody, it was simply a statement to show - - - to indicate to anybody who wished to avail themselves of that that I simply swore a sworn document that I had nothing to do with these people.

THE COMMISSIONER: Why didn't you tell Rose something to this effect: "Mr. Rose, a year ago I prepared an affidavit which is in Mr. Ecclestone's office, and I will instruct Ecclestone to show it to you if you want to see it."?

A. I am not certain I didn't tell him that. Whether I told him or not, I don't know.

MR. MacKINNON: Q. Was your signature witnessed on this statement?

A. The statement I gave to Mr. Rose?

Q. Yes?

A. No, sir.

Q. I suppose we can have a look at that as well?

A. I suppose.

MR. MacKINNON: Has Mr. Rose got it with him?

statement you gave to Mr. Hone, which the last
month or so, I have it that that was a statement
[illegible] and [illegible]

A. My memory [illegible] to state
anybody. It was simply a statement to [illegible]
to indicate to anybody who wished to [illegible]
[illegible] that I would [illegible]
document that I had nothing to do with [illegible]
[illegible].

[illegible] my [illegible]
will [illegible] [illegible]. Now,
a year ago I [illegible] on [illegible] which
in Mr. [illegible], and I will
[illegible] [illegible] to [illegible] if you
want to see it.?

A. I am not [illegible] I [illegible] will
[illegible]. Whether I will [illegible] or not, I [illegible]
[illegible].

Q. [illegible] the year [illegible]
[illegible] on this [illegible]?

A. The statement I gave to Mr.
Hone?

Q. Yes

A. Mr. Hone.

Q. I suppose we can have a look at
[illegible] as well.

[illegible]

Mr. [illegible]: May Mr. [illegible] see
[illegible]

MR. ROSE: I don't know where it is.

MR. MacKINNON: Q. I guess Mr. Rose didn't think it too important?

A. Apparently not. He didn't request of me to make a sworn affidavit.

Q Well, I would expect your statement - I would have to look at it - was reassuring enough in itself?

A. Yes.

THE COMMISSIONER: Have you a copy of that statement you gave Mr. Rose?

A. No, my lord, I only wrote it up on one copy.

Q. Oh, you wrote it up?

A. Yes.

Q. And brought it down and gave it to him?

A. Yes.

MR. MacKINNON: Q. Did you suggest he turn it over to McDermott and Feeley for their perusal?

A. No, I didn't suggest anything of the kind. I simply suggested anybody could avail themselves of it, ora copy.

Q. Mr. Rose was the person you selected for the purpose of receiving this document?

A. I went to him because he represented Feeley and McDermott, and I thought he

Mr. Jones: I don't know which it is.

Mr. Hoffman: Q. Is Jones Mr. Jones's house it the importance?

A. Apparently not. Mr Jones's property is not to make a house attractive.

Q. Well, I would suppose your statement - I would have to look at it - was misunderstood through its brevity?

A. Yes.

Mr. Hoffman: Now you's a lot of [illegible] Mr. Jones?

A. No, my land, I only mowed it up on one page.

Q. Oh, you mowed it up?

A. Yes.

Q. And brought it home and gave it to Jones?

A. No.

Mr. Hoffman: Q. Did you suggest to him it was to Monmouth and Jones for their property?

A. No, I didn't suggest anything of the kind. I simply mentioned the fact that Jones owned Monmouth or it, or was over.

Q. Why, then the [illegible] as related for the purpose of [illegible] Jones Monmouth?

A. I meant to be misunderstood in [illegible] and I thought it

might certainly be interested in having such a document in the event anything happened to me.

Q. If he was the one who was interested obviously it was a document that would help clear Feeley and McDermott as far as you were concerned, otherwise he wouldn't have any interest in it, would he?

A. No, no. And certainly I would like my wishes, or my testimony, because if I didn't get an opportunity to testify - - - it was similar to making a will. I thought I was showing good faith and it was the proper thing to do.

Q. You were showing good faith to Mr. Rose?

A. Not exactly. But in any case I wanted certainly to have anyone know that I had sworn to under oath to protest my innocence.

Q. It wasn't sworn to under oath, you just told us that?

A. No, it wasn't. I intended it to be.

THE COMMISSIONER: You had already sworn under oath when you gave the affidavit to Ecclestone?

A. Yes.

Q. That wouldn't suffice?

A. I could have got a copy of the affidavit from Mr. Ecclestone and took it to Mr.

might certainly be interpreted to betray such a knowledge in the event anything happened to me.

Q. If he was the one who was concerned certainly it was a document that would help clear Wesley and determine on the one hand, whether or not Wesley had [illegible] in his small [illegible]

A. No, sir. [illegible] [illegible] or to testimony, because it didn't get in apparently to Wesley — I was trying to secure a will. I thought I was showing good faith and it was the [illegible] thing to do.

Q. You were showing good faith to [illegible]

A. [illegible] exactly. But in any case I wanted particularly to have anyone know that I had means to prove such to protect my [illegible].

Q. It wasn't going to cause [illegible] you just told me, didn't [illegible]

A. [illegible] I [illegible] it [illegible].

The CONSTABLE: You may [illegible] [illegible] [illegible] [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. I could have got [illegible] of the [illegible] [illegible] [illegible]

Rose and say: "Here is a copy of my affidavit protesting my innocence, in case you are interested."

MR. MacKINNON: Q. Did Mr. Ecclestone charge you for his services?

A. No, I was only there a short time.

Q You swore an affidavit?

A. I didn't swear any affidavit - -

Q. For Ecclestone?

A. Yes.

Q. And he had it typed out?

A. Oh, you are asking me if Ecclestone charged me?

Q. Yes?

A. Not yet. I asked Mr. Ecclestone - -

Q. You contemplated using him too?

A. That is a possibility, yes.

Q. And this was about a year and a half ago, or a year ago?

A. Yes, approximately a year ago.

Q. Did your friend Constable Lamorie make a similar statement?

A. Yes, he did at the same time.

THE COMMISSIONER: Oh, was he with you?

A. Yes, he was, my lord. He was with me at the same time. We went to Mr. Ecclestone. He wasn't in Mr. Rose's office, he

didn't go there.

MR. MacKINNON: Q. Did he make one for Mr. Rose?

A. Not to my knowledge.

Q. But he made one for Mr. Ecclestone?

A. We made one for ourselves.

THE COMMISSIONER: In Ecclestone's office?

A. In Ecclestone's office.

Q. Who suggested that, Lamorie?

A. Possibly myself.

Q. You say possibly?

A. Well, it was either - - yes, it must have been I indicated to Lamorie what I intended to do, I would like to make an affidavit in the event anything happened to me, a car accident, or whatever might happen, and I would like it known in the event of my death I had protested my innocence under oath. And at that time Constable Lamorie must have indicated the same.

MR. MacKINNON: Q. Did the lawyer tell you they wouldn't be any good in legal proceedings?

A. In legal proceedings?

Q. Yes?

A. I don't recall him saying that.

Q. Are you at the moment sure, witness, someone didn't suggest you would be very wise in making this document?

A. No one. No one solicited me to

Right? Yes Sir.

Q. Mr. McCleary: Q. Did Mr Lake use the dry wood?

A. Not to my knowledge.

Q. Not to make you feel low, Mr McCleary?

A. I think not Mr McCleary.

Mr McCleary: In Mr McCleary's office.

A. In Mr McCleary's office.

Q. Mr McCleary was?

A. Yes.

Q. Mr McCleary was?

A. Yes sir.

Q. Well, if was either - - yes, it must have been I indicated to Lonnie what I intended to do. I could like to make an affidavit in the event anything happened to me, a sort similar, or because with Lonnie, and I would like it known in the event of my death I had processed my turnover crop with. And at that time Lonnie Lonnie made no indication the same.

Mr. McCleary: Q. Did Mr Lamar tell you they wouldn't be any good in land preparation?

A. In land preparation?

Q. Yes?

A. I don't recall that saying that.

Q. Did you at the same time, allowing someone didn't suggest you would be very wise in making this investment.

A. No sir. No one suggested me to

make a document.

Q. No intimidation of any kind?

A. No.

THE COMMISSIONER: Have you a will?

A. Yes, I believe I do.

Q. You believeyou do?

A. Yes. I made a will when I was with the Ontario Provincial Police.

MR. MacKINNON: Q. Before you were married?

A. Yes. And at the time I believe it was changed, if I remember correctly, we had my wife as beneficiary. Yes, I have a will in the form of life insurance now.

Q. What?

THE COMMISSIONER: Life insurance policy is not a will.

A. No, not exactly the same.

Q. Well, have you a will now?

A. I don't know. I don't believe I have unless the one with the Provincial Police, I filed is still valid.

MR. MacKINNON: Q. Where do you keep this will?

A. I don't have it.

Q. Well, you were concerned about your death, you were preparing a document?

A. I wasn't concerned about my death.

made I convert.

A. No intentions at any time.

Q. Yes.

THE CONSTABLE: Have you a will?

A. Yes, I believe I do.

Q. Can Delaveyne had

A. Yes. I made a will when I was with the Ontario Provincial Police.

Q. Question - Have you your

wife?

A. Yes. And if she knew I bought it she would object, if I remember correctly, she had my wife as beneficiary. Yes, I have a will in the hand of John Jackson Jr.

Q. Only

THE CONSTABLE: Only insurance policy is not a will.

A. No, not exactly the same.

Q. Well, have you a will now?

A. I don't know. I don't remember

I have taken the one with the Provincial Police.

(Plan is still held.

Q. Mr. Jackson A. Where do you keep

this will?

A. I don't have it.

Q. Well, you have mentioned your

your death, you were leaving a document

A. I wasn't concerned about my

death.

Q. That was the reason for giving this affidavit to Ecclestone?

A. No, I wasn't really concerned. I left that affidavit in the event anything happened to me - - -

THE COMMISSIONER: Your reputation would be clear?

A. Exactly, my lord.

Q. Yes?

A. Exactly.

THE COMMISSIONER: Let us have a ten minute recess.

---Short recess.

THE COMMISSIONER: Are you sure it wasn't Humphrey suggested you go to Ecclestone?

A. Yes, I am sure of it.

Q. You are positive of that?

A Yes, I am positive.

Q You pledge your oath on it?

A. I pledge my oath on it.

Q. No one suggested you go to Ecclestone?

A. No one suggested I go to Ecclestone. As a matter of fact I went to Ecclestone because I felt he was an outside source. That is the only reason.

Q. Are you willing that the affidavit you gave to him should be made available to me?

A. Yes, of course, my lord, definitely.

THE COMMISSIONER: All right.

MR. MacKINNON: I have not completed my cross-examination, but I am prepared to adjourn that to let this witness out of the box for the purpose of having Mr. Wilson call Lamorie.

MR. WILSON: Yes, would you step down.

MR. MacKINNON: I think the witness should step down outside.

MR. WILSON: Yes.

THE COMMISSIONER: Just a moment. Who was the gentleman you were sitting with this morning on this floor in the room adjoining the Commission offices?

A. I don't know who he was, my lord, he was sitting there reading the paper. I have never seen him before. I didn't speak to him at all.

Q. You don't know who he was?

A. No.

THE COMMISSIONER: All right.

---The witness retired.

(Page 6106 follows)

KENNETH CHARLES LAMONIE, sworn:

EXAMINED BY MR. WILSON:

Q. Where do you live?

A. Ridgeway, Ontario; Crystal Beach.

Q. And you joined the Ontario Provincial Police in October of 1957?

A. That's right.

Q. And you were on the Anti-Gambling Branch from that time on, until May 30th, 1960, when you were suspended?

A. Yes.

Q. How old are you?

A. 26.

Q. What was your occupation before you joined the force?

A. I was a salesman for Ridgewy Cleaners.

Q. How long had you been engaged there?

A. A year or so.

Q. Did you, at the time of your application, ask to be permitted to do undercover work?

A. Did I ask?

Q. Yes?

A. Well - -

Q. Did you ask at the time you

[illegible]

[illegible]

Q. Where do you live?

A. [illegible], [illegible] [illegible]

Q. Did you journal the [illegible]

[illegible] Did you in [illegible] of [illegible]?

A. [illegible] [illegible].

Q. Did you work on the [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] you [illegible] [illegible]?

A. Yes.

Q. How old are you?

A. [illegible].

Q. Have [illegible] [illegible]

[illegible] [illegible] [illegible]

A. I was a [illegible] [illegible] [illegible]

[illegible].

Q. How long had you been engaged

[illegible]?

A. A year or so.

Q. Are you, or was [illegible] of your

[illegible], now in [illegible] to the [illegible]

[illegible]?

A. [illegible] I [illegible]

Q. [illegible]

A. [illegible] - -

Q. Did you [illegible] of the [illegible]

applied forthe job?

A. Yes, I asked.

THE COMMISSIONER: Q. Did you specifically ask to do undercover work?

A. I didn't ask, no.

MR. WILSON: Did you mention it?

A. Sergeant Andersen approached me.

Q. Had some gamblers approached you after you joined the force?

A. Approached me?

Q. Yes?

A. No, sir.

Q. None at all?

A. No.

Q. Did they make any inquiries about you around the area where you live?

A. Yes, I heard that.

Q. Who were they?

A. I don't know.

Q. I am going to jump over to the time of your suspension; you were suspended on Monday, May 30th, 1960?

A. Yes.

Q. Now, the previous day Lawrence had been suspended?

A. Yes.

Q. That was on a Sunday?

A. That's right.

Q. How soon after his suspension did

Quality Eights Qtr

Q. Yes, I agree.

Tom Constantinople Q. Did you observe it

was in the boneyard, sir?

A. I didn't see, no.

Mr. Fitzsimmons Did you notice 147

Q. Sergeant Constantinople objection to.

A. Did some physicians approached you

after you finished your journal

Q. Approached you?

A. Yes.

Q. Did

A. No, sir.

Q. Come to grip

A. Ok.

Q. Did they make any inquiries about

you leaving the Quad house and Street

A. Yes, I remember that.

Q. Did some family

A. I don't know.

Q. I am trying to jump over to the

time of your arrangement. You did have conversation

on January, the 1st, 1964?

A Yes.

Q. Then, the physicians and Sergeant

had been acquainted?

A. Yes.

Q. Have you as a group?

A. Don't's right.

Q. The doctor called the sergeant (?)

you learn about it?

A. The same day.

Q. And what did the two of you then decide what to do had better be done?

A. Be done?

Q. Yes?

A. About what, sir?

THE COMMISSIONER: Q. About your suspension?

A. What did I do?

Q. Yes. Do not repeat the question, witness, just answer it.

A. You mean after I was suspended?

Q. The Sunday you learned from Lawrence you had been suspended, what did you do?

A. I came to Toronto. I was at my mother's place.

Q. You came right to Toronto?

A. Yes, sir.

Q. What did the two of you do?

A. We talked about being suspended.

Q. What did he tell you the reason was that he was suspended?

A. That someone said he had something to do with some gamblers.

Q. With what gamblers?

A. With McDermott and Feeley and Sammie Balsam.

Q. That is what he told you on the

Sunday when you came over to Toronto?

A. Yes.

Q. As the reason for his suspension?

A. Yes.

Q. What else did he tell you?

A. I can't remember anything else.

THE COMMISSIONER: Check your memory.

A. Well - - -

MR. WILSON: Q. Then the two of you decided you better get a lawyer?

A. Yes.

Q. And did you get a lawyer?

A. I did. He got the lawyer, both of us.

Q. Who suggested the name?

A. No one.

Q. Nobody?

A. No.

Q. It did not come out of the air, one or the other must have mentioned the name?

A. One of us had, yes.

Q. Yes.

A. I don't remember which one of us did it; one or the other.

Q. Who was the lawyer?

A. Mr. Humphrey.

Q. Did you go and see him that day?

A. Yes, I think it was.

Q. Where did you meet him?

A. At his home.

Q. What did you discuss with Mr. Humphrey?

A. Just the - - he wanted to know why we were being accused of all this stuff, and what shall we do.

THE COMMISSIONER: Speak up, witness.

MR. WILSON: Q. He wanted to know why "we were being accused of all this stuff"?

A. Yes.

Q. At that time when you met with Humphrey on Sunday evening, you had not received any notice of suspension?

A. No, I hadn't, no. That's right.

Q. No. So, at that particular time there had not been any charges made against you?

A. No, but Lawrence had told me I was mentioned during that Sunday while -- in the conversation that Sunday both of us were mentioned.

Q. That your name was mentioned?

A. That's right.

Q. What did he tell you they said about you?

A. They asked me if - - I can't remember now.

THE COMMISSIONER: Q. Oh, please.

A. Mr. Roach, this is a long time

ago and I just can't remember.

Q. Oh, you must be able to.

A. I just can't remember but it shocked me.

Q. It shocked you when Laurence called you at Ridgeway and told you he had been suspended?

A. Yes.

Q. I suggest you asked him why?

A. Yes.

Q. And I suppose he said he had something to do with the gamblers, McDermott, Feeley and Balsom?

A. That's right.

Q. Is that all he said to you?

A. Yes.

Q. Did he say he would be over? You drove over and met him?

A. Yes.

Q. Where?

A. At his home.

Q. At his home?

A. Yes.

Q. And then it was decided between the two of you to go out to Mr. Humphrey's house?

A. That is right.

Q. At the time you arrived at Humphrey's house hadyou known from Lawrence what Commissioner Clark had said with respect to you?

A. Would you repeat that?

Q. By the time you get to Humphrey's house, had you learned from Lawrence what Commission Clark had said to Lawrence respecting you?

A. Yes.

Q. What was it?

A. I just can't remember the exact words.

Q. Well, tell us the substance of it?

A. I was also supposed to be giving tip-offs to gamblers.

Q. Lawrence told you that Clark had said that?

A. To the effect.

Q. Yes.

A. I just can't say. As far as I can remember, it's something to that effect. It was something to that effect. He said that I was mentioned with dealing with gamblers.

Q. Mentioned by whom?

A. Commissioner Clark or Kennedy. He asked Lawrence if I was involved, or something to that effect.

Q. They asked him if you were involved?

A. Well, if they knew anything about me, or something or other, I just don't remember, but something like that.

Q. I understood you to say Lawrence

Q. Do you have your job in Lawrence's office, and you included Jane Lawrence when testifying yesterday?

A. Yes.

Q. When was it?

A. I just can't remember the exact week.

Q. Well, was it the beginning of the A. I was also supposed to be giving big-shots in London.

Q. Lawrence told you that Clark had quit his?

A. In the office.

Q. Yes.

A. I just don't say. As far as I can remember, it's something to that effect. It was mentioning the final effort. He said that I was mentioned when dealing with problems.

Q. Conversation by wires?

A. Conversation VIAIR or Imperial.

Q. Lawrence at I was involved, or involving the Bank of Canada.

A. Only when the if you were involved.

Q. Well, at that time Bryant Clark, or Armstrong or Grant, I just don't remember, but Lawrence like them.

Q. I misunderstood you to say Lawrence

told you that Clark had said that you were mixed up with these gamblers?

A. I didn't say we were involved with these gamblers.

Q. That Commissioner Clark had said that?

A. Yes.

MR. WILSON: Q. What did you tell Humphrey at that Sunday night meeting at his home?

A. What did I tell him?

Q. Yes, what did you tell him?

A I didn't tell him too much.

Q. I am asking you what you did tell him?

A. I didn't tell him anything. I just asked him a few questions.

Q. You mean to say you told him nothing when he asked you about these charges?

A. I don't remember what I said.

THE COMMISSIONER: Q. Do you remember saying anything to him?

A. Yes, we were talking about everything in general that had gone on, about Carmen being suspended. He didn't say too much, actually.

Q. You anticipated that you would be suspended?

A. Yes.

MR. WILSON: Q. What advice did Mr. Humphrey give you that night?

A. He gave me no advice that night as far as I can remember.

Q. You knew you were going to get the same treatment as your associate Mr. Lawrence that night?

A. Yes.

Q. That is why you were meeting with Humphrey?

A. Well, yes, I guess so.

Q. You knew it was just a matter of time, maybe the next day, that you were going to get the same treatment?

A. Yes.

Q. And do you mean to tell me you did not ask Humphrey for advice as to what position you should take when the Commissioner called you in?

A. The only thing I can remember is he advised me not to say anything until I had seen a lawyer.

Q. Well, you were seeing a lawyer right then and there?

A. Yes.

Q. And you were getting advice from that lawyer this Sunday evening?

A. Well - - -

Q. Do you mean to tell me he said

R.G. Lawrence Cross

MR. WILSON: Q. Mark Lawrence Cross Jr.

Questions put you that today?

A. Do you mean do we believe that's right or not or I can remember.

Q. You have you never going to put the same testimony as your associate Mr. Lawrence that right?

A. Yes.

Q. That is the you have testimony with Dougherty?

A. Well, yes. I guess so.

Q. Now look if and just a minute or three, maybe one more day. Have you been trying to get the time investment?

A. Yes.

Q. And do you mean to tell me you did not use Dougherty for advice as to what position you should take when the Commissioner called you in?

A. The only thing I was concerned to be covered on such to any surprise until I had seen a lawyer.

Q. Well, you were seeing a lawyer right then and there?

A. Yes.

Q. And you were getting advice from that lawyer this lawyer Dougherty?

A. Well - - -

Q. Do you mean to tell me he was not

"Don't say anything until you see a lawyer"?

A. No, he didn't exactly say that.

Q. What did he say, something to that effect?

A. It was a long time ago.

Q.How long did your discussion with Humphrey last?

A. Oh, an hour or so, I imagine.

Q. And I suggest in that time you pretty well covered the activities of Lawrence and yourself in the Niagara Peninsula with Balsom and Petrochenko?

A I had no relations with Petrochenko.

Q. When you left Mr. Humphrey on Sunday evening, what was the advice and instructions he had given to you?

A. He gave me no instructions. I had no instructions.

Q. No instructions?

A. No.

Q. No advice?

A. No.

Q. It was sort of a wasted hour's meeting?

A. Well, not exactly.

Q. What did you get out of it then?

A. Not very much.

Q. You just unburdened your soul for

"Don't say anything until you see a lawyer."

A. Oh, he hasn't actually say that.

Q. Have did he say, approximately, to that effect?

A. It was a long time ago.

Q. Did they did your discussion with Mr. Hungerford, Jack?

A. Oh, we talked on the 2 occasions.

Q. The 2 occasions in which they you partly would command the activities of Lawrence and proceeds in the Hungerford Foundation with Nelson and Hungerford?

A. I had no relations with Hungerford.

Q. When you left Mr. Hungerford on Henry avenue, what had the lawyer and Lawrence told you you had given myself?

A. It was in no conversation.

I had no instructions.

Q. Mr. Hungerford?

A. No.

Q. No notions?

A. No.

Q. It was much of a working lawyer?

A. Well, not exactly.

Q. When did you get out of it last time?

A. My year ended.

Q. You had understood your only fee

an hour and get nothing out of it?

A. Lawrence was more interested in it than I was at that time.

Q. Would you say Lawrence did more of the talking than you did?

A. Yes, I would say so.

Q. Coming to the next morning when you saw the Commissioner and Assistant Commissioner Kennedy --

A. Yes?

Q. -- do you remember that meeting?

A. Yes, sir.

Q. And what do you remember of that meeting and what do you remember you said on that occasion?

A. Commissioner Clark, I believe, asked me if I had anything to do with McDermott or Feeley or Sammie Balsam and I replied that I had nothing to say at this time.

Q. I beg your pardon?

A. I said I had nothing to say at this time.

THE COMMISSIONER: Where did you get that idea?

A. A police officer wishing to see a lawyer.

Q. You had seen a lawyer.

MR. WILSON: Q. You were just there for an hour?

A. Yes, that's right.

Q. Did they ask you whether or not you had been speaking to Lawrence since the first suspension the previous day?

A. I can't remember if they did or not.

Q. Is it not a fact they did ask you that, and you said maybe I was speaking to Lawrence and maybe I wasn't?

A. They said that?

Q. Isn't that what you said, "Maybe I was speaking to Lawrence and maybe I wasn't"?

A. I don't think I did. I can't remember.

Q. Do you recall Assistant Commissioner Kennedy making notes of what you said?

A. Yes.

Q. He was right there writing it down?

A. That's right.

Q. Now, if he says that the Commissioner says you are under suspension but not suspended and you replied "I had legal advice yesterday, Mr. David Humphrey," would that be right?

A. Yes, go ahead.

THE COMMISSIONER: Is that part of it right?

A. Yes.

MR. WILSON: Q. And in answer to a question "Maybe I was speaking to Lawrence and

maybe I wasn't". Did you say that?

A. I can't remember.

Q. Do you swear on oath you didn't say that?

A. I just can't remember; how can I swear on oath, I just can't remember.

THE COMMISSIONER: Well, you do not deny saying it?

A. I might have said it, I don't know.

MR. WILSON: Q. Why would you have said it if it wasn't a fact? You knew very well you had seen Lawrence?

A. That's right, that's why I just can't remember saying it.

Q. You then say "I have nothing more to say"?

A. That's right.

Q. You said that?

A. Yes.

Q. And you did that on the advice of Mr. Humphrey didn't you?

A. Yes.

Q. And you told him that that was on the advice of Mr. David Humphrey?

A. No, I did not.

Q. Now, after - -

THE COMMISSIONER: Q. Why didn't you want to say anything? Why did you want to say

nothing?

A. I just wanted to find out why I was being accused of all these things.

Q. If you wanted to know why you were being accused, why didn't you ask him instead of saying you didn't want to talk to him at all?

A. Well, they would probably come out later that day anyhow.

Q. You were there to find out why they were making these suggestions as to improper conduct on your part. Why didn't you ask them?

A. I don't know why.

Q. Can you think of any reason?

A. No.

Q. Now, why didn't you ask them, can you think of any reason?

A. No, I can't.

MR. WILSON: Q. Why, ifyou were innocent of any wrong doing, why would you refuse to answer their questions on advice of counsel?

A. Counsel never gave me any advice.

Q. All right. Why did you refuse to answer their questions if you were innocent?

A. I just did, that's all.

Q. Have you got any explanation for it? If you were innocent you had nothing

to hide?

A. That's right.

Q. Why didn't you answer?

A. I don't know.

Q. Is that your only explanation? Is that the only explanation you can give?

A. That's all I can give.

Q. Are you innocent of these charges?

A. I certainly am.

Q. In spite of your innocence, you wouldn't answer the questions?

A. That's right.

THE COMMISSIONER: Q. Has anyone told you, Witness, that if you lie in this witness box you are x liable to be charged with perjury?

A. That's right.

Q. Who told you?

A. Nobody told me.

Q. Keep it in mind.

A. I will.

MR. WILSON: Q. After your suspension have you been having further meetings from time to time with Laurence?

A. Yes.

Q. And discussions with him about what evidence he was going to give at this Commission?

A. No.

Q. And what was the discussion about? How many times had you met with him since the suspension?

A. Oh, probably ten times.

Q. Probably ten times?

A. Yes.

Q. So you have been keeping in touch?

A Yes.

Q. Although you are over in Crystal Beach and he is here in Toronto?

A. That is right.

Q Well, Witness - - -

THE COMMISSIONER: Q. Only ten times?

A. Well, a minimum of ten times.

Q. At least ten times?

A. Yes.

Q. You met him personally at least ten times?

A. Yes; anyhow, at least ten times.

Q. And in addition you called him on the phone, how often?

A. In the last two years?

Q. Since you were suspended?

A. A great number of times.

Q. Twenty?

A. We will say forty.

Q. Forty times?

A. Yes.

A. No.

Q. And what was the disagreement about?

How many times had you met with him since the engagement?

A. Oh, perhaps ten times.

Q. Already ten times!

A. Yes.

Q. Do you know Lord Langley in person?

A. Yes.

Q. Although you were once in Opposition, could one be in more in harmony?

A. Not in wishes.

Q. Well, believe - - -

[illegible] A. Only the Lunacy

A. Well, a minimum of ten times.

Q. Do James see Clare?

A. Yes.

Q. You met him personally at least the times?

A. Very anyhow, at least ten times.

Q. And in conversation you called him on the phone, was efficient?

A. In the last two years?

Q. Since you were [illegible]?

A. I speak rather in times.

Q. Lunacy?

A. We only say lunacy.

Q. Quite funny

A. Yes.

MR. WILSON: Q. I suppose in those times - the meetings and the telephone calls - you have been over pretty carefully the activities of the two of you on the Branch in the Niagara area?

A. Say that again?

Q. During those various meetings you and Lawrence have talked over your activities while you were on the Anti-Gambling Branch?

A. Yes.

Q. After this Commission was announced you also discussed what questions you might be asked and what evidence you would be giving?

A. No.

Q. Do you remember a lawyer named Eccleston?

A. Yes.

Q. How did you come to see him?

THE COMMISSIONER: Q. Did you see him?

A. Yes, I saw Mr. Eccleston.

Q. Are you sure about that?

A. Yes, sir.

Q. There is no doubt about that?

A. No sir, there is no doubt about that.

MR. WILSON: Q. How did you come to see him?

A. Well, just I thought I would need

a counsel and I would see Mr. Ecclestone.

Q. When did this happen?

A. Oh, it would be about a month after I was suspended.

Q. What was your discussion with Mr. Ecclestone?

A. We just discussed what I was accused of and generally -- just what I was accused of.

THE COMMISSIONER: Q. Keep your voice up, Witness.

MR. WILSON: Q. At this stage what had you been accused of?

A. Of dealings with McDermott and Feeley and Balsom.

THE COMMISSIONER: Q. Petrochenko?

A. Petrochenko, yes.

Q. And who else?

A. I think that's all.

Q. Are you sure of that? Who was the other one?

A. I don't remember. I can't think of anyone else.

Q. You cannot think of anyone else?

A. No.

MR. WILSON: You are sure this is about a month after your suspension?

A. Well, I say about a month.

Q. Whose idea was it that you go to

this man Ecclestone?

A. Nine.

Q. Who went with you?

A. Lawrence did.

Q. How did he happen to go along?

A. Well, we were together so we went down to Mr. Ecclestone's office.

THE COMMISSIONER: Q. But it was your idea, is that what you are saying?

A. Carmen's and myself.

Q. You are the man that chose Ecclestone?

A. Pardon?

Q. Are you the man that chose Ecclestone?

A. Yes.

Q. You are sure of that?

A. As I say, we both went to see him.

Q. Yes.

MR. WILSON: Q. How did you come to pick Ecclestone?

A. On Mr. Humphrey's advice.

Q. On Mr. Humphrey's advice?

A. Yes.

Q. So after your suspension you had further meetings with Mr. Humphrey?

A. Yes.

THE COMMISSIONER: Q. When did Mr. Humphrey send you to see Ecclestone?

[illegible]

[illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

A. [illegible]

[illegible]

D/3

A. That's what I say, I think it's a month after I was suspended.

Q. Who told you to go and see Ecclestone?

A. (No response)

THE COMMISSIONER: Q. Well, hurry along.

A. I believe he did, yes. I just can't remember.

Q. Where?

A. At his office.

MR. WILSON: Q. What did he tell you to do when you got to Ecclestone's office?

A. What did he tell me to do?

Q. Yes?

A. He didn't tell me to do anything.

THE COMMISSIONER: Q. Why was he suggesting you go to see Ecclestone?

A. I can't think of any reason.

Q. He must have said some reason?

A. I don't know. I can't remember.

Q. Ecclestone was just another lawyer, is that right?

A. That's right.

Q. Humphrey was a lawyer?

A. That's right.

Q. Why was one lawyer sending you away to another lawyer's office?

A. I don't know.

Q. Didn't you ask him?

A. No, I didn't.

Q. Didn't it seem strange to you?

A. No, maybe he just didn't want to handle our case, I guess.

Q. What was your purpose in going to see Ecclestone?

A. Just to get legal advice, if I needed it.

Q. To get legal advice if you needed it?

A. Yes.

Q. But you could have got that from Mr. Humphrey?

A. Well, we went to Mr. Ecclestone.

Q. I know you did.

A. I can't think of any reason why, though.

MR. WILSON: Q. Why were you two innocent gentlemen running from lawyer to lawyer at this time?

A. Pardon?

Q. Why were you two innocent gentlemen running from lawyer to lawyer?

A. I didn't say we were running from lawyer to lawyer.

THE COMMISSIONER: Q. You were being tossed from one lawyer to another?

A. I wouldn't say that.

Q. It was Humphrey that told you to go and see Ecclestone?

A. Yes, it was Humphrey that told me to go and see Ecclestone.

Q. But he didn't tell you why?

A. No.

MR. WILSON: Q. What did you tell Ecclestone when the two of you got there ?

A. I believe we just discussed things in general. I just can't remember exactly.

Q. How long was the interview with Mr. Ecclestone?

A. Half an hour, an hour.

Q. As a result of that interview, what happened?

A. Nothing.

Q. What advice did he give you?

A. Nothing at the time that I can remember.

Q. You just had a talk with him for half an hour and is that all there was to it?

A. Yes.

Q. Did you see Mr. Ecclestone again after that half hour interview?

A. No, I did not. No.

Q. You did not?

A. No.

Q. Did he give you any advice?

A. No.

Q. Did Ecclestone give you any advice as a result of that meeting?

A. No.

Q. And that is all there was to it?

A. Yes, sir.

Q. And had you put in writing any of the facts you wanted Mr. Ecclestone to know?

A. Yes.

Q. In what form?

A. What do you mean by "what form"?

THE COMMISSIONER: Q. Did you put something in writing for him?

A. Yes.

Q. You know what that means?

A. Yes.

Q. When did you write it out?

A. That day.

Q. Where?

A. In his office.

Q. Did you write it in longhand?

A. No, I don't think so, it was typed.

Q. I see. Then, did you sign it?

A. Yes.

Q. Have you got it?

A. No, sir.

Q. Where is it?

A. I imagine, sir, he still has it.

MR. WILSON: Whose idea was that that it be typed out and signed?

A. Our own idea.

Q. For what reason?

A. Well, it was just our own idea, that's all.

Q. Give us a reason for it?

A. There was no reason.

THE COMMISSIONER: Q. Witness, there must have been some reason. Why did you think it ought to be done.

Do you feel all right?

A. Do I feel all right?

Q. Yes?

A. Oh, yes.

Q. Why did you think you ought to do that?

A. I can't remember why, sir. I can't remember why.

Q. You don't remember why?

A. No.

Q. You cannot think of any reason?

A No sir, I can't right now.

MR. WILSON: Q. Did Lawrence have any reason for his doing it?

A. I don't know.

Q. Did Humphrey tell you to do this?

A. No, he did not.

Q. Did Ecclestone tell you to do it?

A. No, it was our own idea.

Q. And you did not take away a copy of it?

A. No, sir.

Q. What did you tell Ecclestone to do with this document you signed?

A. He just kept it, that's all.

Q. And you didn't give him any instructions?

A. We just told him to keep it.

Q. Why?

A. I forget what documents they are now.

THE COMMISSIONER: Q. Why did you tell him to keep them?

A. I can't remember why.

MR. WILSON: Q. You say this all took place in the half an hour the two of you were talking to Ecclestone. Were they in the form of affidavits?

A. Yes.

Q. Were they sworn to?

A. Yes.

Q. Were they lengthy?

A. Not too lengthy.

Q. How many pages was yours?

A. One, I believe.

Q. And what did you say in it?

A. I can't remember.

Q. And you left it with Ecclestone whom you had never seen before and you gave him no instructions at all?

A. No, I didn't give him any instructions.

THE COMMISSIONER: Q. Did you pay him?

A. No, sir.

Q. Who was going to pay him?

A. I told him I was going to pay him at a later date.

MR. WILSON: Q. And you never kept a - - you have never got a bill from him?

A. No sir, not yet.

Q. That was about two years ago?

A. That's right.

MR. WILSON: I suggest, Mr. Commissioner, this witness remain in the witness room, and we will see that he does.

THE COMMISSIONER: Q. Is that agreeable to you?

A. I guess I have no choice.

Q. You have a choice. You are not to talk to anybody?

A. No, sir.

Q. Are you willing to go by yourself?

A. Yes.

Q. ~~If~~ I am going to see that you do go by yourself and you are not to talk to anybody during the noon recess. Do you

understand that?

A. Yes, sir.

Q. On the telephone or any other way.

A. No, sir.

Q. And you are pledging your oath now that you will not?

A. No sir, I will not.

---Whereupon the hearing adjourned at 12:30 p.m.

(Page 6133 follows)

---On resuming at 2:48 o'clock, p.m.

---The witness resumes the stand.

THE COMMISSIONER: Q. You are still under oath, witness?

A. Yes, sir.

MR. WILSON: Q. Is that your signature?

A. Yes, sir.

Q. I am showing you an affidavit that is sworn to on the 6th day of April, 1961. Can you tell me before whom you swore that affidavit?

A. No, I can't, really.

Q. Was it somebody in Mr. Ecclestone's office?

A. Yes.

MR. WILSON: That will be Exhibit 173.

---EXHIBIT NO.173: Affidavit dated 6th April, 1961, sworn by K.C.Lamorie.

THE COMMISSIONER: All right, Mr. Wilson.

MR.WILSON: Q. Now, this, I take it, will fix the time when you saw Mr. Ecclestone?

A. Yes.

Q. It was not a month after your suspension and resignation, but it was about a year later?

A. It could be true; I couldn't really say.

Q. It could be true? It is true,

—In Possession of Alan Wilson, Q.C.

—Cross-examination continued.

THE COMMISSIONER: Q. You are still under oath, Mr. Simmons?

A. Yes, sir.

MR. WILSON: Q. Is some of your cross-examination

A. Yes, sir.

Q. I'm showing you an affidavit that is sworn to on the 4th day of April, 1964. Did you only do certain work when you were last

WITNESS:

A. No, I made a, really.

Q. Was it customary in Mr. Boulanger's

WITNESS:

A. Yes.

MR. WILSON: That will be marked 17.

—EXHIBIT 17: Affidavit dated 6th April, 1964. Sworn by A.C.Simmons.

THE COMMISSIONER: All right, Mr. Wilson.

MR.WILSON: Q. Now, Chief, I think it

will fix the time when you saw Mr. Boulanger

A. Yes.

Q. It was not a month after your

appointment and resignation, but it was about a

year later?

A. It could be three, I couldn't

really say.

Q. It could be three? It is true,

isn't it?

A. I don't know. I can't remember.

Q. Are you saying you did not swear that affidavit on the 6th of April, 1961? Look on the next page where the date is.

A. That is right. It must be.

Q. That was not sworn to until after the preliminary hearing of the charges against Wright, Feeley and McDermott had been heard in the City of Toronto?

A. Yes.

Q. And was it because of what came out, what was reported of these proceedings, you decided, along with Lawrence, you had better make this affidavit?

A. Would you repeat that again, please?

Q. This was made after the preliminary hearing of the charges against Wright, McDermott and Feeley?

A. Yes.

Q. Now, that came to your attention?

A. Yes.

Q. Where, through the papers?

A. Yes.

Q. Or through Mr. Humphrey?

A. Through the papers.

Q. Then, did you have a meeting with Mr. Humphrey after that came out in the papers?

A. Yes, I guess we did.

THE COMMISSIONER: Q. You "guess" you did?

A. I just can't remember the exact time, but I presume I did.

Q. Do not presume anything.

A. Well, its just hard to remember everything.

Q. Well, try and recall.

A. I guess I did. I really can't answer that truthfully. I probably did.

MR. WILSON: Q. Was it just before you completed this affidavit that Mr. Humphrey sent you to Mr. Eaclestone?

A. I guess -- Yes.

Q. Why would not Mr. Humphrey have taken this affidavit and drawn it up and have you complete it?

A. I don't know that. I don't know.

Q. Did he tell you?

A. No, he did not.

Q. How soon after you saw Mr. Humphrey did you go and see Mr. Eccelestone?

A. I really don't know.

Q. Was it a day?

A. It could have been a day or two, or a week.

Q. You did it pretty quickly, didn't you?

A. I don't know whether it was

quickly or not. Sometime -- I can't remember exactly.

Q. Who called you over, or did you come over yourself from Crystal Beach to meet with Lawrence and see Humphrey when this information came out in the paper?

A. I met Carmon, yes.

Q. I know you met him, but did he call you to come over?

A. Yes, I think, yes.

Q. Then, the two of you saw Humphrey and he sent you on to Ecclestone?

A. Yes.

Q. Then, what was the purpose of completing this affidavit?

A. Well, its just the truth, that is all, that is in there, that is the only purpose.

Q. What good was it going to do? What was the purpose of it?

A. Actually, there was no purpose; it was just the truth.

Q. Why would you complete it if it had no purpose?

A. Well, it has a purpose now, you have it.

Q. I have it, yes; but it still does not serve any purpose?

A. Well, as I say, -- I don't know what you mean by "purpose". What do you mean

by "purpose"?

Q. Did Humphrey tell you to go over to Eaclestone and complete this affidavit?

A. Did he tell me that?

Q. Yes?

A. No, he didn't tell me that. Lawrence and myself went over.

THE COMMISSIONER: Q. But he sent you over?

A. Yes.

MR. WILSON: Q. What did he tell you when he sent you over to Mr. Eaclestone?

A. I don't remember what he told me.

Q. Have you got a good memory?

A. No, sir, not very good.

Q. Not a very good memory. Or is it a convenient memory?

A. It isn't a convenient memory. I just can't remember. That is a long time ago.

MR. MacKINNON: A year ago?

MR. WILSON: Q. That is just in April of 1961. Would not this be a rather important incident in your life?

A. Well, there has been a lot of important things these last couple of years, so I just can't remember one.

Q. What are the other important things?

A. Well, we have been having a

holiday for the last couple of years with these goings on, so I can't remember just one small incident.

Q. This isjust a small incident?

A. One of them.

Q. Have you any better recollection of what you told Mr. Ecclestone to do with this affidavit?

A. Just told him to keep them.

Q. What did you have in mind when you told him just to keep it?

A. That is getting back to the purpose of the thing. I -- . I don't know what I had in mind, actually.

Q. Well, did your friend Lawrence have anything in mind?

A. I don't know.

Q. Did he tell you why he was doing it?

A. I believe he did, but I have forgotten it.

Q. What did he tell you?

A. I can't remember.

Q. Did he have the same reason you did?

A. The same reason?

Q. The same reason for doing it?

A. I don't know. I don't know.

Q. You do not know.

THE COMMISSIONER: Oh, witness, did not

he tell you why?

A. I say he did, but I just can't remember.

Q. Just think for a few minutes. You know you are here to tell the whole truth. If you do not tell the whole truth you are liable to be in trouble?

A. Yes, I realize that.

Q. All right. What purpose did he have that he told you?

A. Probably the same purpose as myself.

Q. Now, what was your purpose?

A. That is getting back to the question. I had no purpose, just to have this written up.

Q. You are not making it very easy for yourself.

A. I don't know now exactly what he wants. I don't know what he means.

Q. You do not know what who means?

A. Mr. Wilson, here.

Q. He asked you a very simple question: Did Lawrence tell you why he was going down to Ecclestone's office to make an affidavit?

A. No -- He did, but I can't remember what he said. Why. The reason why.

Q. Were you just trailing along with Lawrence, doing anything he wanted you to?

he said you were?

A. I may be old, but I just don't remember.

Q. Just about for a few minutes, you have you not been to Well how would you. If you go you call too stable around you are liable to be in trouble?

A. Yes, I realize that.

Q. All right. What purpose did he have that he told you?

Q. Probably the best purpose is money.

Q. Only used the poor judgment.

A. That is getting back to the question. I had no intention, just to turn this situation up.

Q. You are not making it very easy for Mr Connally.

A. I don't know how exactly what he wanted I don't know that he wanted.

Q. You do not know what he wanted?

Mr. Fulton then:

Q. He moved you a very simple question: Did Lawrence tell you why he was going down to Bonhomme's office to move on Oswald?

A. No -- No sir, but I don't remember what he said. Why. Two reasons why.

Q. Just for joke hanging along the way, during anything he wanted you to?

A. No, I wouldn't say that. I just can't remember. Why. The reason why or anything.

MR. WILSON: Q. Have you discussed the affidavit with Mr. Lawrence since that time?

A. No, sir.

Q. So, you just completed it for yxx no purpose and you have not discussed it since?

A. No, we have not discussed it since.

Q. Going back to the day that you were suspended. You resigned that same day, didn't you?

A. No.

Q. When was it, the next day?

A. It was two days later.

Q. Two days later. So, the meeting you had with the Commissioner was on Monday, May the 30th, and you resigned, then, on June the 1st. Wednesday, June the 1st.

A. Yes.

Q. Now, then, did you see Humphrey again after Sunday night, May the 29th, and the day you resigned?

A. Yes.

Q. And where did you see him and on what day?

A. It was either on a -- I believe it was on a Tuesday, the 29th . (sic)

Q. At his office?

A. Yes.

Q. Was Lawrence with you?

A. Yes.

Q. And did you have a further conversation about these so-called charges with Mr. Humphrey?

A. Yes.

Q. And how long did that interview last?

A. Oh, an hour or so, I guess.

Q. What decision was reached at that meeting?

A. Well, Lawrence and myself decided to resign.

Q. And Mr.Humphrey drew up the form of resignation?

A. No, he didn't.

Q. Who drew it up?

A. We drew it up ourselves.

Q. Was it typed out?

A. No.

Q. Just written out?

A. Yes.

Q. In the same wording?

A. I don't think so, sir.

Q. Did you do it together?

A. Yes.

Q. In Mr. Humphrey's office?

A. Yes.

Q. And did he tell you how to word it?

A. He may have said something.

MR. ROSE: Mr. Commissioner, I am sorry, I cannot hear the witness.

THE COMMISSIONER: It is very difficult to hear him, Mr. Rose.

Q. Keep your voice up.

A. He may have said something, yes.

MR. WILSON: Q. In this hour of talk you had with Mr. Humphrey, what did you talk about?

A. Just why we had these accusations against us and what could be done.

Q. Yes. Why, if you were innocent, why did not you decide to fight the matter?

A. Well, I was getting a little fed up with the police force, anyhow, so this was as good a time as any to get out.

MR. MacKINNON: What?

THE WITNESS: I was getting a little fed up with the police force, anyhow, so this was as good a time as any to get out.

MR. WILSON: Q. That is your explanation of why, after you talked it over with Mr. Humphrey, you decided to resign?

A. I just couldn't afford to live in the City of Toronto and I had decided to resign previously.

Q. Why would you talk with Mr. Humphrey about these charges if you were going to resign?

A. I didn't know I was going to resign right previous to that.

THE COMMISSIONER: Q. Witness, the people down at the far end of this room would like to hear you and they cannot if you mumble like that. You have a good strong voice, haven't you?

A. I don't think so.

Q. I think you have. Keep your voice up.

MR. WILSON: Q. You had a meeting on Sunday night and another meeting on Tuesday where you talked this whole thing over with Mr. Humphrey?

A. Yes.

Q. Why did you bother talking it over with Mr. Humphrey if you were going to resign?

A. As I said, I didn't know I was going to resign, I just made up my mind to it.

Q. When did you make up your mind?

A. Oh, a day or two after I was suspended.

Q. You told him the whole story in these two interviews before you made up your mind?

A. What story?

Q. The story of the charges and your activities?

A. Yes. My activities. What

do you mean by activities?

Q. Your activities on the force?

A. Yes.

Q. You know what the basis for the suspension was?

A. Yes.

Q. And that is what you were discussing with Mr.Humphrey?

A. Yes.

Q. And after you had discussed it all with Mr. Humphrey, you say, without any advice from him, you made up your mind you would resign?

A. Yes.

Q. Did he make any suggestion about what you should do or should not do?

A. No, not that I recall.

Q. Do you swear he did not advise you to resign after you told him the story?

A. Yes, I think he -- We talked it over and I think it was decided to resign.

MR. ROSE: I am sorry, I cannot hear.

THE COMMISSIONER: Speak up. You talked it all over, and what?

A. I say we talked it over and decided to resign.

MR. WILSON: He said resign?

A. No, he didn't say resign.

Q. What did he say, anything?

A. He didn't say anything.

Lawrence and I resigned on our own.

Q. Did not he advise you to resign?

A. No, I would say --

Q. How did he put it?

A. He didn't put anything; Lawrence and I decided to resign.

Q. Did he advise you against resigning?

A. No.

THE COMMISSIONER: Q. Are you sure of that?

A. Yes. I don't think he did. No.

Q. You do not think he did?

A. No, he did not.

Q. He did not advise you against resigning?

A. No.

Q. Did he advise you to resign?

A. No. I --

Q. I want you to tell me the truth. Never mind the consequences.

A. Yes, we discussed it and I guess we all decided it was the best thing, to resign.

Q. Who is "we all"?

A. Lawrence, Mr. Humphreys and myself.

MR. WILSON: Q. Now, that was on the Tuesday, and that would be the 31st of May.

[illegible] and I [illegible] [illegible] [illegible]

Q. Did not Dr Quince pay to perform

A. No, I could not —

Q. How did he get 1?

A. He didn't get anything. Because

now I obtained to perform.

Q. And do [illegible] [illegible]

[illegible]:

A. No.

Q. [illegible] [illegible] [illegible]

of [illegible]?

A. Yes. I don't think [illegible] did.

Q. [illegible]

Q. You do not think [illegible] dead?

A. [illegible] [illegible].

Q. [illegible] [illegible] [illegible]

[illegible]

A. No.

Q. [illegible] [illegible] [illegible]

A. No. I —

Q. [illegible] I want you to tell me [illegible]

[illegible] [illegible] [illegible].

A. Yes, we discussed it and I [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible].

Q. Who is "we all"?

A. Lawrence, Mr. Humphreys and

[illegible].

Mr. [illegible]. Q. Now, [illegible] [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Now, on the Wednesday, did you stay in Toronto?

A. I don't know. I can't remember if I did or not.

Q. Well --

A. What do you mean, did I stay in Toronto? I lived in Toronto.

Q. What trip did you take within a day after you resigned?

A. What trip did I take?

Q. Yes?

A. I went to Ottawa.

Q. First of all, you went to Belleville, didn't you?

A. To Belleville?

Q. Yes, to Belleville?

A. We passed through there, yes.

Q. And when you got to Belleville, do you recall what time of the day it was?

A. In the afternoon, I believe.

Q. And you say "we"; who was with you?

A. Lawrence and his wife and my wife and a friend of mine.

Q. What was the purpose of this trip of the four of you?

A. Just to get away from this publicity for a few days.

Q. When you got to Belleville, why did you call Humphrey at 5:12 p.m. from Belleville on June the 2nd?

Man, in our Kindergarten, did you play in Kindergarten?

A. I don't know. I don't remember if I did or not.

Q. Well —

A. Maybe we play house with I was in Kindergarten. I lived in Tucumcari.

Q. Have you had any other classes in the after you graduated?

A. What kind did I take?

Q. Yes.

A. I took to Cosmo.

A. Cosmo of all, you mean to Williston, didn't you?

A. To Williston?

Q. Yes, to Williston?

A. In general business. Yes.

Q. And when you go to Williston, do you recall what time of the day it was?

A. In the afternoon, I believe.

Q. And you say "we"; was you alone?

A. Lawrence and her wife and me with one a friend of mine.

Q. What was the purpose of this trip on the part of you?

A. Just to get away from this place.

Q. When you got to Williston, did you well Lawrence at Dyke's? Was Williston in Iowa or Ohio?

A. I don't know if I called him. I don't know if it was me, myself, or Laurence.

Q. You were right there when the phone call was made?

A. Well, I can't remember if I was -- You asked me if I called him. I can't remember if I called him.

(Page 6148 follows)

THE COMMISSIONER: Well, had you agreed between you and Lawrence that you would call Humphrey?

A. Yes.

Q. Either you did it or Lawrence did it?

A. Yes, but he asked me - - -

Q. Never mind what he asked you; I am asking if you arranged between you and Lawrence when you got to Belleville, having been there for some time, that you would call Humphrey?

A. Yes.

Q. Is that so?

A. That is right.

THE COMMISSIONER: All right.

MR. WILSON: Q. And what was - what name was given on that call?

A. I don't know.

Q. You don't recall?

A. No, I don't recall.

Q. And your first name is Ken?

A. That is right.

Q. And Lamoring is the name in the recording of the call?

A. Um,hm.

Q. To Dave Humphrey?

A. Um,hm.

Q. At 5:12 p.m. Now, why were youcalling him?

Q. Have between you and Innocence that's you usual

oral testimony?

A. Yes.

Q. Either you did it or Innocence

did it?

A. Yes, but no asked me - - -

Q. Never mind what he asked you!

I am asking if you arranged between you and

Innocence when you got to Kentucky, having

been there the week before that you would

give testimony?

A. Yes.

Q. In some way

A. Yes it might.

MR. CROSSLAND: All right.

MR. WILSON: Q. And what was - what was

was it?

A. I don't know.

Q. Was that right?

A. - NO. I don't recall.

Q. And your first going into Hart

A. Was in right.

Q. And remaining in the house in

the presence of the old?

A. Yes.

Q. In long conversation?

A. Yes.

Q. Or did not. Yes, you were

speaking now.

A. I - I don't remember.

THE COMMISSIONER: Well, witness - - -

A. Honest, I don't.

THE COMMISSIONER: Well, now, just a moment.

A. I can't remember specifically why I called him.

THE COMMISSIONER: Do you want me to believe that you now don't know why it was arranged between you and Lawrence that you would call Humphrey after you got to Belleville?

A. I really can't.

THE COMMISSIONER: You want me to believe that?

A. Yes, sir. Honest, I can't remember.

THE COMMISSIONER: Well, you had some reason for calling him?

A. I am sure there was, but I can't remember what it was.

THE COMMISSIONER: Well, all right.

MR. WILSON: Q. In the meantime had you talked with anybody in Belleville?

A. No, sir.

Q. What time did you leave Toronto that day?

A. In the morning.

Q. In the morning?

A. Sometime, yes.

Q. And how long did it take you to

Belleville?

A. I don't know. About three or four hours, I guess.

Q. And how long did this telephone call last?

A. To tell you the truth, I can't remember the incident, but it must have lasted two or three minutes. I don't know.

Q. Well, what was being talked about?

A. I can't remember.

Q. Well, I can tell you that call lasted seven minutes and seven seconds. Now, what were you talking about?

A. I - I really can't remember.

Q. Well, do you want the Commissioner to believe that?

A. Well, that is the truth. He can believe what he likes, but I can't remember. I really can't.

Q. Who had you seen in Belleville?

A. I had seen no one in Belleville.

Q. What had you done between the morning and five o'clock, getting from Toronto to Belleville?

A. - - What had I done? We just drove, we were just riding.

THE COMMISSIONER: What route did you take?

A. 401 and - - -

THE COMMISSIONER: What route did you take?

A. Well - just-I don't know what - I forget the name of the main highway to Belleville, but that is the one we took.

MR.WILSON: Q. How long does it take to drive from Toronto to Belleville?

A. Well, a couple of hours, I would imagine.

Q. A couple of hours?

A. I don't really know.

Q. And you left in the morning?

A. Well, sometime during the morning.

Q. Yes.

A. I don't remember.

Q. Where did you spend the rest of the time up to 5:12 p.m.?

A. No where in particular, just driving and stopping. I don't even believe we stopped anywhere.

Q. So that if you left in the morning, you - it took at least 5 hours?

A. Well, I say in the morning. I can't remember. Maybe it was around - -

Q. Whose car were you in?

A. My own.

Q. Your own car?

A. Yes.

Q. Now, did you arrange with

Humphrey to make the call collect?

A. No, I can't - no, no.

Q. You just called him up and said will you accept the charges, is that it?

A. Yes, I guess it is. I forget now. I guess that is what happened.

Q. So what was the information you were passing on to Mr. Humphrey that made him pay for the call?

A. I can't remember.

THE COMMISSIONER: Oh, witness.

A. I can't remember.

THE COMMISSIONER: Well, I know. I have heard you say now several times I have heard you protest that you can't remember, but I think you can.

A. If I could, I would tell you, but I can't remember.

MR. WILSON: Well, why can't you remember?

A. I really can't. I can't say anymore. I just can't remember.

Q. Well, would it be fair to say that you had some special information that you wanted to give to him?

A. No, I wouldn't say that is not fair, because I can't remember.

THE COMMISSIONER:

Q. Well, you weren't calling him up to wish him a happy birthday, or something of that sort?

Someone in some the call outline?

A. Um, I don't - no, no.

Q. You just called him on and said will you record the conversation, is that it?

A. Yes, I guess it is. I forgot now. I guess have to what happened.

Q. So when was the information you gave [illegible] on it by, [illegible] that back the the [illegible]

A. I don't remember.

THE COMMISSIONER: Uh, hmmm.

A. I don't remember.

THE COMMISSIONER: Well, I know, I have heard you say say now several times I know behind you proceed since you don't remember, but I ask you one.

A. If I could, I would tell you, but I don't remember.

Mr. MILLER: Well, my don't you [illegible]

A. I really don't. I don't say anyone. I just don't remember.

Q. Well, would it be fair to say when you was asked information that you [illegible] to live to him.

A. No, I wouldn't say that is not true, because I don't remember.

THE COMMISSIONER:

Q. Well, you haven't written on [illegible] or in some kind a note [illegible], or [illegible] of that sort?

A. No.

THE COMMISSIONER: Some business you had to transact with him?

A. Yes.

THE COMMISSIONER: Well, what was it?

A. I - I don't recall. I don't know if I was speaking on the phone, or whether it was Lawrence.

THE COMMISSIONER: Well, I don't care whether it was you or Lawrence, you had some special business that you had to transact with him that was so urgent that you had to telephone him. Now, I want to know what it was. I will give you all the time you want to think about it.

A. Well, I would just be making up a lie.

THE COMMISSIONER: I don't want you to make up a lie, I want you to tell the truth.

A. Well, that is what I am trying to do, but I really just can't think of what was said, or the purpose.

THE COMMISSIONER: Well, what was the substance of what you had to tell him? It was some business, wasn't it?

A. Just probably - just what is going on back here, or something, or anything. That's all I can think of.

MR. WILSON: Q. Did you call up to see if a warrant was out for your arrest?

A. Yes.

THE CONVERSATIONALIST: Does Jonesie know you

and so trouble with him?

A. Yes.

THE CONVERSATIONALIST: Well, that was the

A. I'm I don't really. I would

have if I was speaking on the phone to

another it was laryngo.

THE CONVERSATIONALIST: Well, I don't care

whether it was you in Lambeth, Pyt and that

[illegible] Variety that you had to commence

with the time was so upset that you had to

telephone him. Now, I want to know what is

[illegible] I will hurt you all the time you have

to play this Ely.

A. Well, I should just be making

up a lie.

THE CONVERSATIONALIST: I don't want you

to make up a lie, I want you to tell the truth.

A. Well, that is what I am trying

to do, but I really just don't think of what

[illegible] - the [illegible].

THE [illegible]: Well, what was the

[illegible] of what you had to tell that

[illegible] Mrs.'s [illegible]

A. [illegible] - [illegible] is

going on [illegible], or something, or anything.

[illegible] all I am [illegible].

MR. [illegible]: Q. Did you call up to

[illegible] if a message [illegible] for your mother?

A. I don't think so, No.

Q. No?

A. I might have.

Q. You might have?

A. I don't know, but I mean that is I really don't know.

Q. No, and whatever it was, did you - did you - was there some finality to it that day?

A. Some? Pardon?

Q. Well, I mean, did you settle whatever the problem was that day on the phone with Mr. Humphrey?

A. I don't know what the - what the problem - if there was a problem, I didn't know. I can't remember.

Q. No. Well, now, where did you spend the night?

A. In Ottawa, I belive, yes.

Q. Did you go through Kingston?

A. Yes, or the outside of it. I forget now whether we went through it or by-passed it.

Q. Yes. And did you see anybody there?

A. No.

Q. Didn't stop to see Cronin there?

A. No, I didn't. I don't even know Cronin.

Q. Um,hm. And you say you got to

Ottawa and you don't recall where you spent the night?

A. In a motel, yes. I can't remember the name of it.

Q. You say this is just a pleasure trip, to get away from it all?

A. Yes, that is right.

Q. Now, when you got to Ottawa, did you make a further call the next day to Humphrey?

A. -- we may have. I - - I can't recall.

Q. Well, I suggest to you that at 5:42 you called again to Mr. Humphrey from Ottawa, and that the call lasted 4 minutes and 27 seconds, and the call was placed by Ken Lamorie to Humphrey's office in Toronto collect?

A. - (no answer)

THE COMMISSIONER: Do you remember that now?

A. Well - - -

THE COMMISSIONER: Q. You remember it now that it has been drawn to your attention?

A. That's right.

THE COMMISSIONER: That is right?

A. That is right.

MR. WILSON: Q. Now, what were you calling from Ottawa about?

A. Ican't - I can't remember the

exact words. I would not - I can't even think of why. Probably to find out what was going on. I think that was the only reason, to see what was going on.

Q. What do you mean 'going on'?

A. Well, see if we were going to be - maybe probably arrested, or picked up, or anything that probably was - - -

THE COMMISSIONER: Well, was that the reason? I want you to be frank with me.

A. Well, it - it - - -

THE COMMISSIONER: Be honest about it.

A. Well, I am. I would say yes.

THE COMMISSIONER: What?

A. That is the reason.

THE COMMISSIONER: You called up to see.

A. Just to see - well, just to see what was going on.

THE COMMISSIONER: What do you mean by what was going on?

A. Well, see how we were any more mentioned any more, or what, just you know - - --

THE COMMISSIONER: Well, it has been suggested you called up to find out whether there was a warrant out for your arrest. Now, do you remember that?

A. It is quite possible.

THE COMMISSIONER: Well, is it? Is that

the reason you called up?

A. Yes. Yes. I would, yes, I will say.

THE COMMISSIONER: That was the reason?

A. Yes.

THE COMMISSIONER: All right.

A. Not the only reason. Find out everything else in general.

THE COMMISSIONER: Including that?

A. Yes. Could I have a drink of water?

MR. WILSON: I think, Mr. Commissioner, we might file these two as A and B 174.

THE REGISTRAR: 174.

THE COMMISSIONER: What do you call those?

MR. WILSON: Well, they are the toll tickets for calls on June 2nd, from Belleville and June 3rd from Ottawa by this witness, to David Humphrey, collect in both cases.

---EXHIBIT NO. 174-A: Toll ticket for call from Belleville to Toronto on June 2nd.

---EXHIBIT NO. 174-B: Toll ticket for call from Ottawa to Toronto on 3rd June.

MR. WILSON: Now, after you resigned, did you have any contact with Sammy Balson of St. Catharines?

A. Yes, I did.

mm/2

Q. First of all, did you talk to him on the phone in Mr. Humphrey's office?

A. Yes.

Q. You did, and was that - the meeting you and Lawrence had with Mr. Humphrey on the Tuesday after your resignation, or was it later?

A. Would you repeat that again, please, I didn't - - - -

Q. Was the time you talked to Balsom on the telephone in Humphrey's office on the Tuesday after your resignation or - - -

A. Yes, I believe it was, after my resignation.

Q. Well, immediately after?

A. Yes.

Q. Yes, and what was the conversation you had with Sammy Balsom on that occasion?

A. Well, I wanted to know if he had said anything detrimental towards me, or vice versa.

Q. And vice versa?

A. Well, he wanted to know the same thing.

Q. Yes?

A. The same as I asked him.

Q. Well, in other words, you - why - why would you be asked that question? Why would he be asking you, or first of all,

why would you be asking him?

A. Well, I just wanted to know, that is all.

Q. But why? Had your relations with Sammie Balson up to that point given rise to that kind of a queries?

A. Well,we were all being accused of certain things.

Q. Yes, I know, but if you were innocent, why would you bother talking to the man? Why did you need to talk to him?

A. Well, why not?

Q. Well,is that your answer?

A. Well, I mean I have a right to talk to him.

THE COMMISSIONER: Did you feel he had squealed on you?

A. No, not in the least.

MR. WILSON: Was he afraid you had squealed on him?

A. I have got nothing - would you repeat that again?

Q. Did he feel you would squeal on him?

A. I couldn't squeal anything. I didn't know anything.

Q. Why would you bother talking to him, then?

A. Well, I just talked to him about the charges they were - - -

Q. Yes. Was this just a nice conversation as to whether he had anything on you, and whether you had anything on him?

A. Well, I wouldn't say that.

Q. Well, you explain it whatever way you think is proper?

A. Well, we just discussed about what was said about both parties.

Q. Why did you need to, if there was nothing to these charges?

A. Well, I just - curiosity's sake. I just wanted to find out.

Q. You were just curious?

A. That is right.

Q. To see what he would say?

A. Well, I wanted to know if he had said anything towards me, yes.

Q. And if he had said anything against you, it would have been a lie, I take it, from the way you have given your evidence here?

A. Well, certainly.

Q. Yes, and similarly if you had suggested to him that you were going to tell any facts about any improper activities between you, that would have been a lie too?

A. Will you repeat that again, please.

Q. Yes. And if you had, when he asked you if you had said anything, and if you had told him you had said something about your

Q. Sir, did you ever a time conversation as to whether he had anything on you, and whether you had anything on him?

A. Well, I wouldn't say that.

Q. Well, you explain it whichever way you think is proper.

A. Well, we had discussed some time we had some bad partner.

Q. Why did you need him, if there was nothing on those guys?

A. Well, I just - continually's going. I just wanted to find out.

Q. You have just [illegible].

A. That is right.

Q. If you had in your mind why

A. Well, I wanted to know if he had said anything concerning me, yes.

Q. But if he had said anything against you, it would have been a lie, I take it, from the way you have taken your evidence here?

A. Well, certainly.

Q. Yes, and naturally if you had discovered to him that you were going to tell the Yates about the [illegible] activities [illegible] you, that would have been a lie then?

A. Will you repeat that again, please.

Q. Yes. And if you say, when he asked you if you had said anything, and if you had told him you had [illegible] [illegible]

relations with him that was improper, then that would have been a lie?

A. I would have said nothing.

Q. You would not?

A. No, no.

Q. So that neither of you could have said anything?

A. Yes.

Q. - - that would have meant anything, and yet you say it was just curiosity asking each other whether the other had said anything?

A. Yes, it was.

Q. Yes. That is what it boils down to?

A. If he had made any remarks towards me, yes.

Q. What possible remarks could he have made about you?

A. I don't know, that is why I wanted to find out.

Q. Yes. Now, you had Baisen's telephone number?

A. I had it?

Q. Yes.

A. Where?

THE COMMISSIONER: Never mind where, just answer the question.

A. Well, what does he mean?

THE COMMISSIONER: Well, you know - you

know the question. You knew his number?

A. Yes, I knew his number.

THE COMMISSIONER: Yes.

MR. WILSON: Yes. You knew his number, everybody in the Branch knew his number, didn't they?

A. That is right.

Q. Yes?

A. That is right.

Q. Sure, and Lawrence knew his number too, didn't he?

A. That is right.

Q. Certainly. Now, as a result of your talk with Balsom in Humphrey's office, did you set up a meeting to meet with Balsom?

A. I didn't. Sammie Balsom was never in Humphrey's office.

Q. I didn't say that, I said as a result of the talk you and Lawrence had with him in Humphrey's office - - -

THE COMMISSIONER: Over the phone.

MR. WILSON: - - over the phone?

A. Yes.

Q. Was a meeting set up?

A. Yes.

Q. And how soon after the telephone talk did that meeting take place?

A. Well, we went to Burlington, and met him in Burlington.

Q. Where did you meet him in

[illegible]

[illegible] the question. You know the [illegible]

Q. Yes, I know the [illegible].

[illegible] CONSTITUTIONAL. Yes.

Q. [illegible] Yes. The [illegible] [illegible] everybody in the Ground Wave Mis [illegible], don't [illegible]

A. That is right.

Q. Yes!

A. That is right.

Q. [illegible] [illegible] [illegible]

[illegible] No, didn't but

A. That is right.

Q. Certainly. Now, as a result of [illegible] did you get up a meeting to meet with [illegible]

A. I didn't. Because during [illegible] [illegible] in Hungerford's office.

Q. I didn't say that, I said on a result of the talk you had [illegible] [illegible] this in Hungerford's office - - -

[illegible] CONSTITUTIONAL. [illegible]

Q. WILLIAMS. - - over the phone?

A. Yes.

Q. And a meeting was [illegible]

A. Yes.

Q. And [illegible] down after the [illegible] [illegible] [illegible] [illegible]

A. Well, we went to Darlington, and met him in Darlington.

Q. [illegible] [illegible] [illegible]

Burlington?

A. Near the Brant Inn.

Q. And how long was that after your resignation?

A - - a day or two, I believe. I just can't remember.

Q. A day or two?

A. Well, I - I think.

Q. Well, was it beforeyou took your trip to Belleville and Ottawa?

A. Yes.

THE COMMISSIONER: Are you sure of that?

A. Well, I believe not, but I think -- I really can't answer that yes. I don't know. I just can't remember whether it was, but I am not too sure.

Q. Now, who were present at that meeting?

A. Mr. Humphreys and Sammie Balsom, Lawrence and myself.

THE COMMISSIONER: Humphrey was with you?

A. Yes.

MR. WILSON: Now, what - what was discussed at this meeting?

A. Just everything in general.

Q. The weather?

A. No, not quite the weather, but just the same - as I said previously. That is

the only meeting we had. I just said about the same thing, we just talked about what he had said, and what - if he had said anything against myself, or had said anything towards me.

Q. This is more of the same that you had over the telephone, is that right?

A. No, we didn't actually - we spoke very little on the telephone.

Q. Yes.

A. Lawrence called - -

Q. Then when you got together near Burlington, you had a full discussion about what you might have said, or Lawrence might have said, or what Balsom might have said?

A. I would say yes.

Q. And did you also tell each other what you were going to say if you were questioned?

A. No, sir.

Q. You didn't?

A. No, sir.

THE COMMISSIONER:

Q. Are you sure of that?

A. Yes, sir.

MR. WILSON: Why - why did you need a lawyer present to exchange those sort of views?

A. I don't know.

Q. He justcame along for the ride, I suppose?

A. Well, I don't know why, but he came.

THE COMMISSIONER: Well, who asked

him to come?

A. I think he volunteered himself.

THE COMMISSIONER: He volunteered to go?

A. Yes, - or, as far as I can remember, to the best of my - - - -

(Page 6166 follows)

c/1/mc

THE COMMISSIONER: Which was it?

A. I think he volunteered to go.

Q. Is your memory - - are you certain of that? Did you ask him to go to start with?

A. No, I didn't ask him.

Q. Did Lawrence ask him to go to start with?

A. I don't believe so, no.

Q. And then, Malson didn't ask him to go?

A. No.

Q. So you say he volunteered to go?

A. I would say yes.

MR. WILSON: Q. Who set up the meeting?

A. Who set up the meeting?

Q. Yes, who set the meeting up, did you?

A. No, Lawrence.

THE COMMISSIONER: Lawrence?

A. Yes.

Q. Or Humphrey, which?

A. Lawrence set up the meeting, yes. Is that what you are speaking of?

MR. WILSON: The meeting in Burlington?

A. Yes.

Q. It was in the Clans Restaurant?

A. No.

Q. It wasn't. Where was it?

A. At the Brant Inn.

[illegible]

Q. [illegible] Shelby was 14?

A. I think he [illegible]

Q. In your [illegible] — [illegible]

[illegible] of [illegible] Have you ever [illegible] to go to

[illegible]

A. No, I didn't see him.

Q. And Lawrence was [illegible] to go to

[illegible]

A. I don't [illegible]

Q. And then, before Shelby's [illegible]

to [illegible]

A. No.

Q. Do you [illegible] [illegible]

A. I would [illegible].

MR. [illegible]: Q. [illegible] and [illegible]

A. [illegible]

Q. Yes, who [illegible] [illegible]

and [illegible]

Q. No. [illegible].

THE [illegible]: [illegible]

A. Yes.

Q. [illegible]

A. [illegible] [illegible] [illegible].

Q. [illegible] [illegible] [illegible]

MR. [illegible]: [illegible] [illegible]

A. Yes.

Q. [illegible] [illegible] [illegible]

A. No.

Q. [illegible] [illegible]

A. [illegible] [illegible] [illegible]

A. [illegible] [illegible] [illegible].

Q. At the Brant Inn?

A. Yes, outside in front of it, as a matter of fact.

Q. In front of the Brant Inn?

A. Yes.

Q. Where did the meeting take place, in a car?

A. Yes.

Q. Whose car?

A. Mr. Humphrey's, I believe.

THE COMMISSIONER: Speak up.

A. Mr. Humphrey's.

MR. WILSON: Q. So, all this discussion took place in Mr. Humphrey's car outside the Brant Inn?

A. Yes.

Q. You are quite sure of that?

A. Yes. Well, a block, or half a block. Close by the Brant Inn.

THE COMMISSIONER: Near the Brant Inn; is that better?

A. Yes.

Q. How far away, half a block?

A. Half a block.

Q. What time of the day was it, or night?

A. Around five- - five-thirty.

Q. In the afternoon?

A. Yes, I think that would be the time. Around that. Near supper time, any way,

in any event.

Q. Near supper time in any event?

A. Yes.

MR. WILSON: Q. How did you - - -

THE COMMISSIONER: Excuse me. How did you get to the meeting?

MR. WILSON: I was going to ask that.

THE COMMISSIONER: Were yougoing to ask that?

MR. WILSON: Yes.

THE COMMISSIONER: Go ahead, Mr. Wilson. Great minds think alike.

MR. WILSON: Q. How did you get to the meeting?

A. In Mr. Humphrey's car.

Q. So, youcame from Toronto that day?

A. I came from Toronto.

Q. Yes. With Mr. Humphrey? Where did you start from?

A. Iwas in Toronto.

Q. I didn't know whether you were in Crystal Beach at this time or in Toronto?

A. I was in Toronto.

Q. So, Lawrence and yourself came in Humphrey's car and met Balson near the Brant Inn?

A. Yes.

Q. And this conference took place in Humphrey's car?

A. Yes.

Q. And how long did it last?

A. Half an hour.

Q. And what great decision was reached, final decision?

A. None. None.

Q. And you are not clear whether that was before you embarked on your trip to Belleville and Ottawa?

A. I believe it was, yes.

Q. You remember it was?

A. Yes, as far as I can recollect.

Q. And then, did you have a further meeting with Balsom?

A. Yes.

Q. Where did that take place?

A. Mm, St. Catharines, I believe. Yes.

Q. In St. Catharines?

A. Yes.

Q. How long after the meeting at the Brant Inn did that meeting take place?

A. A couple of months later, I believe. I just can't remember exactly. I don't know.

Q. And where in St.Catharines did that meeting take place?

A. I can't remember.

THE COMMISSIONER: Speak up.

A. I can't remember, sir, where it was.

Q. Was it in a building or on the

A. Self-defence.

Q. And what gives determine you, [illegible], first decision?

A. None. Sorry.

Q. And you are not alone because that defence [illegible] on your side in [illegible]

A. I believe it was, yes.

Q. You remember it now?

A. Yes, as far as I am concerned.

Q. And then, did you have a further conversation with Salmon?

A. Yes.

Q. Where did that have place?

A. In Mr. [illegible], I believe.

Q. In Mr. [illegible]?

A. Yes.

Q. How long after the meeting on the [illegible] was [illegible] was [illegible]?

A. A couple of months later, I believe. I just don't remember exactly. I don't know.

Q. And where in [illegible] did this meeting take place?

A. I don't remember.

MR. [illegible]: Leave to [illegible].

A. I don't remember, sir, where it was.

Q. Did it take place in the [illegible]

street, in a car, or where?

MR. MacKINNON: A bowling alley?

THE WITNESS: It could be at a bowling alley.

THE COMMISSIONER: Was it?

A. I don't think so. It was on the street somewhere.

Q. Now, witness?

A. I can't remember exactly where I met him. Maybe in a car. I don't think we went anywhere.

Q. Where?

A. In a car.

Q. In a car?

A. Yes.

Q. Then, you do remember?

A. I don't really remember. I will say a car.

Q. I don't want you to say anything you don't remember.

A. That is what I keep telling you, but you just don't keep believing me.

Q. That is right.

A. That is right. That is what I mean. So there you are.

Q. Was it in a car?

A. I can't remember.

Q. You don't remember where?

A. I don't remember.

MR. WILSON: Q. Maybe I can help you.

You were in a parking lot right beside the Parkway Lanes?

A. Yes,could be.

Q. And Sammie came out and saw you in the parking lot?

A. Yes.

THE COMMISSIONER: Do you remember that?

A. Slightly, I remember it slightly.

THE COMMISSIONER: We will jog your memory a little at a time.

A. That's good.

MR.WILSON: Q. Who was present at that meeting between Sammie Balsom and yourself?

A. No one.

Q. Just the two of you?

THE COMMISSIONER: Oh, oh. Lawrence wasn't at that meeting?

MR. MacKINNON: What is his answer?

THE COMMISSIONER: Was Lawrence at the meeting?

A. I don't think he was.

Q. You don't think he was?

A. I don't think he was.

Q. Who set up that meeting?

A. I believe I called Sammie Balsom or he called me. I can't remember what.

Q. And this was in the parking lot beside what?

A. A bowling alley.

MR.WILSON: Q. Right beside the Parkway

Lanes, wasn't it?

A. I can't say.

Q. You remember it very well?

A. I don't remember it very well.

Q. Well, you know what happened on that occasion?

A. No, I don't know what happened on that occasion.

Q. Sammie Dalson came out to see you. And what did you talk about?

A. Just discussed the Royal Commission.

MR. MacKINNON: Please, I can't hear you.

MR. ROSE: Mr. Commissioner, it is absolutely impossible to hear this man back here.

THE COMMISSIONER: I will try to help out by repeating if I think he mumbles.

MR. WILSON: Q. You discussed the Royal Commission?

A. Not the Royal Commissionmm, just everything in general.

Q. There was no Royal Commission?

A. I realize that.

Q. This was in July, 1960?

A. It could have been.

Q. You know it was.

A. I don't know it was. If you say it was in July, who am I to argue, I don't know anything.

Q. You were there. I just have other information about what happened. You just tell us the story. You are under oath, you just tell us what you remember about what happened?

A. As I said, we just discussed everything in general.

Q. As long as you understand you are under oath, you just go ahead and tell your story. Sammie came up, and what happened, what was discussed?

A. Just everything in general.

Q. Everything in general.

THE COMMISSIONER: What do you mean by that?

A. Accusations we had, and so forth.

Q. Whether you were likely to be caught?

A. What?

Q. You discussed whether you were likely to be caught?

A. No, sir.

Q. You are positive on that one?

A. I am positive on that one.

MR. WILSON: This was in July of 1960, wasn't it?

THE COMMISSIONER: In the summer time, in any event.

A. I guess it was. I can't recall.

MR. WILSON: Q. And it was after Wright's arrest, and after you had resigned, about a month,

about a month or so after?

A. Yes.

Q. Now, just tell us exactly why you wouldn't go into the bowling alley and talk to Sammie in there?

A. Well, I didn't think it would be a good idea to be seen together, I guess.

Q. All right. Now, it wouldn't be a good idea to be seen together, and he came out and got into your car?

A. Yes.

Q. Now, tell us exactly what happened?

A. We just talked.

Q. What did you talk about?

A. Just about everything that was going on.

Q. What was going on that you were talking about?

A. Well, the papers, the accusations here and accusations there.

Q I thought you had settled all of that at the Brant Inn?

A. Didn't settle anything at the Brant Inn. I mean - - -

THE COMMISSIONER: Speak up, please, Mr. Rose wants to hear you.

MR. WILSON: Q. Was this just to pick up those loose ends?

A. No loose ends.

Q. There were no loose ends?

A. No are putting words in my mouth now.

Q. Am I?

A. Yes, you are.

Q. Perhaps you are reading something into the loose ends.

What did you get from Sammie Balsom on that occasion?

A. What did I get?

Q. Yes? What did you get?

A. I didn't get anything.

Q. You didn't get anything?

A. No.

Q. That is what you say?

A. What do you mean, what did I get?

Q. You know what I mean. What did you get? Answer that question.

A. I don't understand what I got. What did I get?

Q. That is your answer.

A. What is my answer?

THE COMMISSIONER: That is a good reply. I don't know what his answer is.

MR. WILSON: Q. Now, you just tell us as best as you can recollect exactly what happened at that meeting in your car outside of the Parkway Lanes on that occasion?

A. All I can remember, we discussed everything. I can't pinpoint one thing, just everything in general.

Q. This is a meeting you set up, you drove to St.Catharines tosee him?

A. Did I drive to St.Catharines?

Q. It was your car.

A. I ~~i~~ was at Crystal Beach.

Q. Did your car just happen to be there and you got up there?

A. No, I just said I might have moved to Crystal Beach at that time.

CC/2 Q. You still drove to St.Catharines?

A. Yes.

Q. And what was the purpose of driving to St.Catharines to meet him on a parking lot?

A. As I said, we just wanted to discuss this thing.

Q. What did you discuss?

A. Just everything in general.

Q. And what was everything in general that so interested you that youwent to St. Catharines to do it?

A. Just - - I can't remember any specific item.

Q. Can you remember any item you discussed?

A. I don't know, there was so much in the papers at the time I can't recall everything.

Q. It would only be matters that affected Balson and yourself that you would be

discussing?

A. Yes.

Q. Or you wouldn't be there, would you?

A. No.

Q. Why would you take the time to go and meet this fellow Salson, a well-known bookmaker, a man well-known to your branch as a man who was a medium for tip-offs? Why would you go and see him for the second time in a matter of weeks if you didn't have something important to talk about?

A. Well, I can't recall what it was now, just everything. I can't recall.

Q. Why were you associating with this man, you knew his reputation?

A. It is all right, I can associate with him if I want to. I mean, after all, why not?

Q. Were you on his level?

A. Am I on his level? No, I am above his level.

Q. You are above his level?

A. Yes, that is right.

Q. You were condescending to go and talk to him for the second time in two weeks?

A. Would you repeat that?

Q. You werecondescending, if you were above his level, you were going to talks to him - - -

A. I wasn't above him, I mean, I am not in the rackets.

Q. What?

A. I am not in the rackets.

Q. You are not in the rackets. Why would you bother talking to him, this man who was in the rackets?

A. What is wrong with that?

Q. Well - - - -

THE COMMISSIONER: Nothing wrong with it if you had something very important to talk about. What is the important thing you had to talk about?

A. As I say, everything in general. I can't pinpoint any one thing. I can't remember.

THE COMMISSIONER: You can't remember.

MR. WILSON: Q. How much did he pay you that day?

A. He didn't pay me a cent that day.

Q. That day?

A. Or any other day.

Q. What do you know about Samuel Salsom and his relationship to the various gambling and bookmaking establishments in that area?

A. What do I know?

Q. At that time what did you know about the man?

A. I don't get what you mean.

Q. You were on the Anti-Gambling Squad?

A. Yes.

Q. You knew about Sammie Balsom?

A. Yes.

Q. What do you know about him?

A. He was a bookmaker.

Q. What else?

A. Nothing, as far as I know.

Q. You talked about the rackets, what racket was he in?

A. In the bookmaking.

Q. In the bookmaking?

A. Bookmaking.

THE COMMISSIONER: What else?

A. That is all.

Q. Just bookmaking?

A. Yes.

MR. WILSON: Q. What was he suspected in the Branch of doing apart from bookmaking? You discussed those characters amongst yourselves in the Branch?

A. That is all I know.

Q. You never heard any talk about Sammie Balsom apart from being a bookmaker in the Branch while you were there?

A. No.

Q.Not about the fact he was suspected of being a go-between on the tip-offs?

A. You are speaking about the Branch?

Q. Yes, at the Branch?

A. No, I never heard.

Q. You never, then, heard any talk in the Branch?

A. No.

Q. Now, how long did that meeting last?

A. Oh, I don't know, half an hour.

Q. And what decisions were arrived at that day?

A. None.

Q. None. So, it was sort of a wasted effort to drive from Crystal Beach to see him in the parking lot?

A. I wouldn't say that - - - - Yes, I guess it was.

Q. So, after that time when did you see him next?

A. I saw him about three weeks ago, or so. I can't recall if I saw him again after that or not, but I saw ~~in~~ him three weeks ago.

THE COMMISSIONER: Speak up. Said he saw him about three weeks ago.

THE WITNESS: Yes.

MR. WILSON: Q. Where did you see him three weeks ago?

A. In Port Erie.

Q. And how did you happen to meet him in Port Erie?

A. He called me and told me he had a subpoena.

Q. And he said he wanted to see you?

A. Yes.

Q. And he came over to see you?

A. Yes.

Q. And he wanted to discuss this Commission?

A. Yes.

Q. And what did he want to discuss about it?

A. Well, he wanted to know if I said anything towards him, and I said no - - against him, and I said no - - - -

THE COMMISSIONER: Speak up.

A. I told him I had absolutely nothing to say about him.

MR. WILSON: Q. He still wanted to know if you had said anything?

A. Said anything.

Q. He wanted to know if you had talked?

A. No.

Q. What did he ask you?

A. Just asked me - - just talked about his subpoena,and so forth, and I haven't got one, yet.

Q. He wanted to know what you had

said about him. You said that a moment ago?

A. Yes, if I had said anything about him.

Q. What would there be that you could say about him?

A. I don't know.

Q. You don't know?

A. No.

Q. So you were still - - the two of you were meeting to see if you had talked about the other. But you had agreed at the first meeting there was nothing either could say that would be in any way harmful?

A. I had nothing to say about him.

Q. Why did you persist in having these meetings where you talked about whether the other had said anything?

A. Well, we just discussed these things. That is all. That is all there was to it.

Q. That is all there was to it?

A. Yes.

Q. And who else were present at that meeting?

A. No one.

Q. Where did it take place in Port Erie?

A. At the bowling alley.

Q. Whose bowling alley?

A. It is the Parklanes, I believe.

THE COMMISSIONER: Speak up, I didn't hear you.

A. Parklanes.

MR. WILSON: You say he came all the way over from St.Catharines to Fort Erie to find out whether you had said anything about him?

A. Not only that, we discussed other things, too.

Q. This is the fourth time he had asked you that after your resignation to your testimony here today?

A. Yes, yes.

Q. He wanted to know that before he might be called down to give evidence, to find out whetheryou had said anything about him?

A. I don't know whether that is the reason or not. He just wanted to know.

Q. Did you ask him too on that occasion whether he said anything about you?

A. Yes.

Q. And what did he say?

A. He couldn't say anything about me. So - - - I just wanted to know what was going on. That is all.

Q. How long did that meeting last?

A. Oh, from Fort Erie we drove down and met Lawrence in Toronto.

Q. Oh, I see. You did come to

a decision in Port Erie - - - -

A. No, I didn't come to any decision.

Q. You made a decision to come and see Lawrence, didn't you?

A. Yes.

THE COMMISSIONER: That same day?

A. Yes.

MR. WILSON: And what would you two innocent characters be making a decision you better go over and talk to Lawrence that day for?

A. Just as I say - - - -

THE COMMISSIONER: Everything in general.

A. You took the words right out of my mouth, your lordship.

(Page 6185 follows)

Q. So then you went to see Lawrence and where didyou meet with Lawrence?

A. The bowling alley here in Toronto.

Q. Where was it?

A. Off Yonge; I just can't remember.

Q. Where was it in relation to any known street?

A. (no answer)

Q. You were there only three weeks ago?

A. I know exactly where it is, but I forget.

Q. Just tell us where it was - what street was it off?

A. I don't know what street its on, it's just Yonge.

Q. Yes.

A. It's on Yonge, the bowling alley, I don't know the street.

Q. How far is it from here?

A. Oh, ten blocks or so.

Q. Where, south or north?

A. South.

Q. South?

A. Yes.

Q. And just off Yonge Street?

A. Yes.

Q. Is it north or south of Dundas Street?

A. I believe it is north of Dundas,

I think.

Q. You are getting warm now, aren't you?

A. If I knew I would tell you.

Q. Well then, you had a meeting there. Had you called Lawrence to meet you there?

A. Yes.

Q. Who else were present at that meeting?

A. Just Sammie Balsom and myself.

THE COMMISSIONER: Q. Let me understand this: You and Balsom drove together from Toronto?

A. That's right.

Q. You must have telephone Lawrence ahead of time?

A. That's right.

Q. Who arranged the place where you would meet?

A. Well, Lawrence and myself. Lawrence, I believe, Lawrence arranged it.

Q. He did?

A. Yes.

Q. He stated the bowling alley on Yonge Street?

A. He named the bowling alley.

Q. And then you and Balsom drove over and met him there?

A. Yes.

Q. Inside or outside?

A. Outside.

MR. WILSON: Q. In a car?

A. Yes.

Q. Whose car?

A.Balsom's car.

Q. Now, who else was present at that meeting?

A. Who else was present?

Q. Yes.

A. Just Balsom, myself and Lawrence.

Q. Yes. Are you sure there was nobody else joined you?

A. Nobody else joined me, no.

Q. Or joined the three of you?

A. No, there was just the three of us.

Q. Did you go off at any time for a drink while you were there?

A. I might have, yes.

THE COMMISSIONER: Q. Never mind "might have", did you?

A. (no response)

MR. WILSON: Q. This is only three weeks ago, your memory is not that bad?

A. I know it isn't bad.

Q. You will have to think up - - do you have to think about it?

A. I guess I did.

THE COMMISSIONER: Q. Are you sure of that?

A. Yes.

Q. Are you sure of it now?

A. Yes.

Q. You went for a beer and left Balsom and Lawrence in the bowling alley, did you?

A. Yes.

Q. Where did you go for the beer?

A. On Bay Street at a tavern.

Q. All the way over to Bay Street for a beer?

A. It wasn't far from the bowling alley, a block or so.

MR. WILSON: Q. Who went with you to have a beer?

A. Myself.

Q. Yes?

A. Yes.

Q. Now when youcame back was Lawrence still there with Balsom?

A. Yes.

Q. And who else was present?

A. I found out later Petrochenko was speaking with them.

THE COMMISSIONER: Q. You found out what?

A. Petrochenko, he was speaking to Lawrence and Balsom.

Q. Whnn you came back?

A. No.

Q. Well, what do you mean?

A. When they had spoken to him after I had left - they had spoken to him after I had left.

Q. Who was there when you returned?

A. Balsom and Lawrence.

Q. Who told you Petrochenko was there while you were away?

A. Ithink it was Balsom.

Q. Balsom told you?

A. Yes.

Q. How did Petrochenko know enough to meet Lawrence and Balsom in the bowling alley?

A. I guess Petrochenko met with Mr. Balsom.

Q. Are you sure of that?

A. Yes.

Q. When did you make that arrangement, before you left Fort Erie?

A. Yes.

Q. How did he know, by telephone?

A. Yes.

Q. I see, thank you.

MR. WILSON: Q. Who was Petrochenko?

A. Petrochenko was a bookmaker.

Q. What was his line?

A. Bookmaking.

Q. And at the meeting at Fort Erie you and Balsom thought you better get Petrochenko over at this meeting, but who was there when

you met Petrochenko - you were there when you met Petrochenko?

A. Yes.

Q. What would you need Petrochenko in to this conference for?

A. I didn't give my answer. I wasn't interested in Petrochenko. I wasn't interested in Petrochenko.

Q. Well, why were the others interested in him? Why was Lawrence interested in him?

A. I don't know.

Q. Why would Balsom want him to come over to Toronto to meet with Lawrence and himself?

A. That's something I don't know.

Q. You do not know?

A. That's right.

Q. You say youdon't know what the discussion was between Petrochenko and Lawrence?

A. No.

THE COMMISSIONER: Q. Did Lawrence phone Petrochenko and state "we are going over to meet Lawrense in Toronto, come on over and meet us in the bowling alley"?

A. Yes.

Q. What part did you play in that arrangement?

A. None. I came over with Balsom.

Q. I kxx know you did. Didn't

Balsom say "I better get Petrochenko over too"?

A. Yes, he called Petrochenko.

Q. He called Petrochenko having first said to you I will have Petrochenko over there, too, is that right?

A. Yes.

Q. All right. Why did he want Petrochenko over there?

A. Well, I guess he wanted to discuss everything in general with Lawrence and himself.

Q. Didn't you say to Balsom, "Well now, why do you want Petrochenko over"?

A. No.

Q. You did not say that?

A. No.

Q. You knew why he wanted them over?

A. Well, to discuss things.

Q. What things?

A. I don't know.

Q. Oh yes you do?

A. Just to discuss what was said or what was going on.

Q. And Petrochenko was quite willing to go?

A. He came.

Q. He came?

A. Yes.

Q. All right. Now, as you and

Balsom drove over you discussed this whole matter of the Royal Commission and all that sort of thing?

A. Yes.

Q. And you wanted to make up stories and have them jive, didn't you?

A. No.

Q. Didn't you?

A. I don't know. I said no.

Q. Well, your stories do not jive.

A. Well, what do you mean?

Q. Just what I said. You know what that means. Now, let's have the whole story.

A. What whole story?

Q. What you and Balsom were talking about on the way over?

A. Just the Royal Commission and crime and everything, and that's all.

Q. And that ~~of~~ your stories had to jive?

A. No.

Q. That was not discussed at all?

A. No.

Q. You are pledging your oath on that?

A. I am, yes.

Q. Well, we will see what happens.

MR. WILSON: Q. How long did Lawrence, Balsom and yourself talk together outside in

this bowling alley on that occasion?

A. Oh, ten minutes or so.

Q. For ten minutes?

A. I think it was somewhere around there.

Q. You had gone all the way over from Toronto to discuss matters?

A. Yes.

Q. And then you say you went for a beer?

A. Yes, I did.

Q. And then when you came back were they still there?

A. Yes.

Q. In the same place?

A. Sammie Balsom?

Q. In the car outside the bowling alley?

A. Yes.

Q. How long did you talk to the two of them?

A. A couple - - four or five minutes.

Q. And they told you Petrochenko had been and gone, is that it?

A. Yes.

Q. Did they tell you what decisions had been arrived?

A. No.

Q. At that time had everybody been

satisfied they had asked the other men what they were going to say?

A. I don't know what they said.

Q. Did you arrive at any decision that day as to how you were going to handle the Royal Commission?

A. No, sir.

Q. That is what you went over to talk about, wasn't it?

A. Not - - just as I say, we just discussed everything.

Q. In other words, you wouldn't have been over there if it hadn't been for the Royal Commission?

A. I guess not.

Q. Did you settle everything satisfactorily at that meeting?

A. Everything was - - we didn't settle everything, we were discussing things.

Q. Just a heart to heart talk?

A. Yes, just a heart to heart talk.

Q. And you all left good friends, I take it?

A. Yes, I presume so.

THE COMMISSIONER: Speak up.

A. Yes, sir.

MR. WILSON: Q. Did you drive back to Port Erie with Balsom?

A. No, he drove me back.

Q. He drove you back?

A. Yes.

Q. And did you have any further discussion on the way back?

A. Oh, not really.

Q. And then after that meeting, have you seen him since?

A. No sir, I haven't.

Q. You had everything settled at that meeting?

A. I had nothing settled.

Q. What were you trying to settle?

A. I wasn't trying to settle anything.

Q. Why would you have all these meetings?

A. We were just discussing what was going on, that's all.

Q. Why would you need to have all these meetings of these well-known bookmakers, as you call them?

A. Well, he was accused of -- accused of tip-offs and allthis stuff.

Q. Well, you thought over a period of time you better have a number of meetings with them to talk things over?

A. No.

Q. And you think that is a normal action of an honest police officer who has resigned from the force?

A. Well, I don't think there is

anything wrong with it.

Q. You don't think there is anything wrong with it?

A. No.

THE COMMISSIONER: Q. What have you been doing since you resigned from the force for a living?

A. I am working in Buffalo.

Q. What doing?

A. I'd rather not say because the newspapermen - -

THE COMMISSIONER: Q. Well, write it down.

A. (Witness writes down his occupation)

Q. How long have you been doing that job?

A. Nine months.

Q. What does that pay you?

A. $1.45 an hour.

Q. Do you live in Buffalo or do you commute?

A. Commute.

MR. WILSON: Q. Why didyou meet with Balsom in Port Erie rather than Crystal Beach where you lived or in St.Catharines where Balsom lives?

A. Well, I came from work.

Q. You came from work?

A. Yes.

Q. Was that a convenient spot to meet?

A. Yes.

Q. Then you went on from Port Erie to Torento?

A. Yes.

Q. Had you taken a day off for that purpose?

A. No, sir.

Q. Now - - -

THE COMMISSIONER: Q. Are you a waiter?

A. No, sir.

Q. What do you do, write it down there.

A. (Witness writes on paper)

THE COMMISSIONER: All right.

MR. WILSON: Q. Did Balsom know where youworked in Buffalo?

A. Yes, I think he does, yes.

Q. Did he set up this meeting in Port Erie?

A. Yes.

Q. Did he get in touch with you in Buffalo or Crystal Beach?

A. I think Buffalo, yes.

Q. In Buffalo?

A. Yes.

Q. Now, have you ever been in Mr. Rose's office?

A. Never.

MR. ROSE: Mr. Commissioner, if Mr. Wilson - I don't know if he has any intention of saying this as a statement, but I would certainly expect him to adduce evidence on it.

THE COMMISSIONER: He is not making it as a statement. He is making it as a question.

MR. ROSE: He is asking it to get information.

MR. WILSON: If you were at the hearing this morning, you would think it was a proper question.

THE COMMISSIONER: It is proper in my opinion.

MR. ROSE: He might as well ask if he was in Mr. MacKinnon's office or Mr. Drewin's office.

MR. WILSON: Q. Were you in Mr. Rose's office?

A. No, sir.

Q. Have you ever been in it?

A. No sir, I haven't.

MR. ROSE: Just be fair and ask him if he has ever met Mr. Rose.

THE COMMISSIONER: Well, I will ask him myself.

Q. Have you ever met Mr. Rose?

A. No, sir, I haven't.

MR. WILSON: Q. Has Mr. Lawrence ever told you about Mr. Rose?

A. No.

Q. In his visit to Mr. Rose's office?

A. Yes he did, yes.

Q. Recently?

A. Yes.

Q. What did he tell you about his

visit to Mr. Rose's office?

A. He just told me he had been there. He didn't say anything else.

Q. He just told you he had been there? What had he told you about what he had done when he was there?

A. I believe he signed an affidavit or something.

Q. Did he ask you to do the same thing?

A. No.

Q. Or Lawrence?

A. No.

Q. And did he tell you why he made some affidavit in Rose's office?

A. ~~Y~~ No.

Q. He did not?

A. No.

Q. How long ago was that?

A. Three weeks, a month, I don't know.

THE COMMISSIONER: Q. When did Lawrence tell you?

A. That's what I say, it must have been a month or so ago, I don't know.

Q. Where did he tell you?

A. In Toronto.

Q. Were you over in Toronto?

A. Yes, the same day that we were here at the bowling alley.

Q. The same day that Balsom drove you

over here?

A. Yes.

Q. Lawrence told you then that he had already given an affidavit to Mr. Rose?

A. Yes.

Q. Are you sure of that?

A. Yes.

Q. Positive?

A. I believe that was in that area, yes.

Q. I am not concerned so much about that, but the day Salsom drove you over here and you met Lawrence, on that day Lawrence told you he had already given something in writing to Mr. Rose?

A. He didn't say he had already, sir, he said he was going to see Mr. Rose.

Q. He was going to see Mr. Rose?

A. Yes.

Q. Are you sure of that?

A. Yes.

Q. Or that he had already seen him?

A. I think he had already seen him and he was going back to see him again.

Q. He was going back to see him again?

A. Yes.

Q. When?

A. I don't know.

Q. Mr. Rose --

MR. WILSON: Mr. Commissioner, Mr. Rose

has not handed me that statement referred to as yet.

THE COMMISSIONER: I think Mr. Rose suggested this morning he has not got it.

MR. ROSE: I said quite loudly I did not have the statement. I said that on two occasions.

MR. WILSON: Maybe we might ask Mr. Rose what happened to that statement.

THE COMMISSIONER: Well, you can put Mr. Rose in the box.

MR. ROSE: Yes.

MR. MacKINNON: He advised me he had lost it, if that helps any.

MR. WILSON: Q. During your period of service with the Anti-Gambling Squad, you were associated with Constable George Scott?

A. Yes.

Q. Were you on friendly terms with him?

A. No, I wasn't.

Q. At no time?

A. No.

Q. At no time?

A. No.

THE COMMISSIONER: Q. Were you on unfriendly terms with him?

A. Well, we were on good terms.

MR. WILSON: Q. What?

A. We were on good terms.

Q. You were on good terms?

A. Yes.

Q. Was there anything that happened between Scott and yourself up to the time of your resignation that would suggest he would concoct any lies about you?

A. Repeat that, please.

Q. Up tothe time of your resignation?

A. Yes.

Q. Had you had any run-in with Scott?

A. No.

Q. Can you think of any reason why he would record any -- make reports of discussions he had with you which would be inaccurate?

A. Well, I don't know; he was an ambitious fellow. I don't know where you get this idea from.

Q. Are you suggesting that he, because of ambition, would deliberately falsify statements about your activities and your statements?

A. Well, I don't know about that.

Q. You don't know about that?

A. I don't know.

Q. Now, on May 17th, 1960, I see by your diary that you were on general office duty from one to five p.m., would you like to see that to refresh your memory?

A. It's all right.

(Page 6203 follows)

MR. WILSON: Just to be sure. You were there that day. Is this your diary?

A. Yes.

Q. May 17?

A. Yes.

Q. "1.00 to 5.00 P.M., general office duty."

THE COMMISSIONER: That will be Exhibit 175.

---EXHIBIT NO.175: 1960 diary of K.C.Lamorie.

MR. WILSON: By reference to Scott's reports, Exhibit 61, under date of May 18, at page 27 --

THE COMMISSIONER: May what?

MR. WILSON: May the 18th.

Q. It reads:

" On the afternoon of this day "at the office P.C.Lamorie and myself "made each other aware of our positions. "P.C.Lamorie made the following "information available to me."

Now, first, do you recall having a discussion with Scott on that particular day?

A. Regarding what, sir?

THE COMMISSIONER: Q. Anything?

MR. WILSON: Q. About anything?

A. I could, very well, have. Iean't remember that particular day.

Q. Now, what he says next --

THE COMMISSIONER: Let me see Exhibit 175. All right.

MR. WILSON: Q. On that occasion he says you told him that Lawrence and yourself were going to pay Petrochenko's fine. Did you make such a statement?

A. I did not.

Q. You know what the Petrochenko fine would be for, don't you?

A. What it would be for?

Q. Yes, he was convicted, wasn't he?

A. Yes, that is right.

Q. Did you discuss that with Scott that day?

A. No, sir, I did not.

Q. Have you any -- I will deal with the next one. He says you told him you wanted to retain the patches, besides looking after the clubs?

A. This is ridiculous. Not true.

Q. What does "patches" mean to you?

A. Well, "patches" is protection.

Q. And he said you told him that you wanted to obtain a patch for the syndicate from the United States who attempted to get Corporal Leggett at Crystal Beach. This syndicate is the same organization whose business was raided by this branch with the assistanse of the New York State Troupers, at Hamilton, about six

months ago. Did you make such a statement to him?

A. No, I did not.

Q. On that occasion, or any other occasion?

A. No, sir.

Q. Do you know about this syndicate that tried to get to Corporal Leggett at Crystal Beach?

A. I don't recall any syndicate.

Q. Do you recall anybody trying to get to Corporal Leggett at Crystal Beach?

A. Someone asked him, yes, at Crystal Beach. Yes.

THE COMMISSIONER: Q. Someone asked him what?

A. He told me previously that someone spoke to himabout something or other.

Q. About something or other?

A. About protection, or something.

Q. About protection or something?

A. Yes.

Q. What is it?

A. Just that they wanted protection, I guess.

Q. You guess?

A. Yes.

Q. What did he tell you?

A. Who?

Q. That Corporal Leggett?

A. He said that someone wanted protection.

Q. Someone from where?

A. From Crystal Beach.

Q. Someone from Crystal Beach wanted to get protection?

A. Yes.

Q. Or someone from the United States who wanted to operate near Crystal Beach wanted protection, which?

A. No, it was a fellow from Crystal Beach.

Q. A fellow from Crystal Beach wanted protection?

A. Yes.

Q. Did he tell you who it was?

A. Yes.

Q. Who was it?

A. Joe Napp. Napp, I think, is his last name.

Q. Did he have some relation with the group in the United States?

A. I don't know.

Q. What?

A. Did he have some relation?

Q. Yes?

A. I don't know.

THE COMMISSIONER: All right, Mr. Wilson.

MR. WILSON: Q. Now, on that same afternoon, did you tell Scott that Lawrence was

a partner in a gaming house called the Alpine Bridge and Social Club?

A. No, sir, I did not.

Q. You know the club?

A. Yes, I know the club.

Q. You have been there?

A. Yes, I have been there.

Q. Have you played there?

A. Yes.

Q. A bank game?

A. Bank game?

Q. Yes?

A. No, not when I was there.

THE COMMISSIONER: Q. There was a rake-off, wasn't there?

A. I believe there was, yes.

Q. You are certain there was?

A. They charged you for sandwiches.

Q. Do not mumble quite so much and be a little more accurate.

A. Yes.

Q. There was a rake-off?

A. Yes.

Q. Yes.

MR. WILSON: Q. And you told him they played poker there on the weekends, and there was a rake-off from the pot?

A. Pardon?

Q. Did not you tell him on that occasion that there was a rake-off from the pot?

A. Who did I tell this to?

Q. To Scott?

A. No.

THE COMMISSIONER: Are you telling me now there was a rake-off?

A. Yes.

Q. You have been in there and played?

A. Yes.

Q. And there was a rake-off?

A. Yes.

Q. What percentage of the pot?

A. A quarter a hand.

Q. A quarter a hand?

A. Yes.

Q. Is that all?

A. Yes, sir, that is all.

Q. Wasn't it a percentage of the pot?

A. No, sir.

Q. You are sure of that?

A. Yes, sir.

Q. Positive?

A. Yes, sir.

Q. If someone else says something different, they are wrong?

A. Well, on the occasions I have been there that is all.

Q. Just a quarter a hand?

A. Yes.

Q. Everyone put in a quarter?

A. Yes.

MR. WILSON: Q. Did you tell him on that occasion that --

THE COMMISSIONER: Just a moment.

Q. While you were there was Lawrence there, too?

A. Yes.

Q. Playing at the same time you were?

A. Yes.

Q. He would know there was a rake-off? It is not important but he knew and you knew it?

A. Yes.

Q. All right.

MR. WILSON: Q. Now, on this same occasion did you tell Constable Scott that Lawrence and yourself had patches on Christoff in Niagara Falls, Joe Fortura, Petrochenko? What about these three?

A. No, I did not.

Q. You deny that under oath?

A. I do deny it, yes.

Q. Did you also tell him on that occasion that Sammie Balson was getting his protection free because it was Balson who obtained the patches for Lawrence and yourself?

A. No, sir, I did not.

Q. Now, as of that date where were youliving?

A. As of what date was that?

Q. Pardon?

A. What date is that?

Q. This is the 18th day of May, 1960. Were you living right here in Toronto?

A. No. Yes. I think --

Q. This is just a couple of weeks before you were suspended?

A. Yes, I was here in Toronto.

Q. You were married?

A. Yes, I am.

Q. Any family?

A. Yes.

Q. How many children?

A. Two and one any minute, I guess.

Q. And where were you living?

A. On Clairlea Crescent in Scarborough.

THE COMMISSIONER: Q. What is that?

A. Clairlea, C-l-a-i-r-l-e-a, Crescent.

MR. WILSON: Q. What rent were you paying?

A. $75.

Q. A month?

A. Yes.

Q. Did you have a car?

A. Yes, sir.

Q. What kind of a car?

EE/2 A. '56 Ford.

Q. '56 Ford. What other assets did you have, or what other monies did you have at

that time, apart from what you made by way of your salary from the force?

A. Well, mywife taught school for a year or so.

Q. Your wife taught school?

A. Yes.

Q. Did you have a bank account?

A. No, sir; I owe the bank.

Q. I say, did you not have a bank account?

A. Yes, I did have a bank account.

Q. At what bank?

A. Commerce.

Q. What branch?

A. On Kingston Road.

Q. Kingston Road?

A. Yes.

Q. What number on Kingston Road?

A. Close to 1600.

Q. Where was it near, what street?

A. Out near the Utilities there on Kingston Road.

Q. I do not know what the "Utilities" are?

A. The Hydro.

Q. The Hydro?

A. Yes.

Q. Did you keep any extra money in the bank or did you keep yours in the house?

A. No, sir, I didn't have any in the

house and I didn't have too much in the bank.

Q. So, any monies you had passed through your bank account. Is that right?

A. Yes.

THE COMMISSIONER: Let us take ten minutes.

---Short recess.

MR. WILSON: Mr. Commissioner, Assistant Commissioner Kennedy is here. He might be very brief. He has some exhibits to put in.

THE COMMISSIONER: All right, whatever you say.

MR. WILSON: Assistant Commissioner Kennedy.

WARD KENNEDY, recalled:

THE COMMISSIONER: You have been in the box before?

A. Yes, my lord.

Q. You are under oath?

A. Yes, sir.

EXAMINED BY MR. WILSON:

Q. You have already given evidence to the effect you were present with the Commissioner on Sunday, May the 29th at the time of the interrogation of Lawrence and on the Monday at the time of the -- following Monday, which would be the 30th of May, which would be the interrogation of Lamorie?

A. Yes, sir.

Q. We have filed here and introduced through you two exhibits -- I think the first is 87, dealing with certain notes you made of the interview withLawrence?

A. Yes, sir.

Q. And 88, the one dealing with the notes you made as a result of the interview with Lamorie?

A. Yes, sir.

Q. Now, tell us, first, dealing with Lawrence, in what manner you recorded the notes

that you subsequently had transcribed?

A. They were recorded in the presence of Lawrence and, of course, Lamorie & on the following day, and I attempted, as far as possible, to take down the conversation, or the gist of the conversation between the Commissioner and Lawrence. I endeavoured to get the exact answers, where possible, but I had to abbreviate.

Q. These notes you were taking, did you commence taking notes at the outset of the discussion or questioning by the Commissioner of Lawrence?

A. I marked the paper as of 8:50, and the date, and marked it Lawrence. Whether or not I got the very, very first part of the conversation, I can't recall, sir, but when the discussion -- there was a discussion about the -- questions asked about the Earl French Club and I started my notes at that time, and sometime after that I made a notation it was then nine o'clock. I started my heading of my paper at 8:50 and there was one question the Commissioner asked I put in brackets, nine o'clock.

Q. Where was that on the page?

A. Two-thirds --

THE COMMISSIONER: Q. Are those your original notes?

A. Yes, sir.

THE COMMISSIONER: Attach those to Exhibit 87.

---EXHIBIT NO.87(Cont'd): Original notes of Assistant Commissioner Kennedy with respect to interview of Constable Lawrence with Commissioner Clark.

MR. WILSON: Q. Did you take these notes in full view of Lawrence?

A. Yes, sir.

Q. Could he in any way have failed to have seen you taking those notes?

A. Oh, no, definitely not, sir. It was right in my office and he was sitting in the room right near the desk. He couldn't -- I can't visualize how he could possibly could not have seen me taking the notes.

Q. You have already told us what you have written down there truly sets out what answers he gave to the questions put to him?

A. Yes. Of course, it isn't all the conversation. It was impossible for me to do that.

Q. Similarly, you have the original of the notes you took of the interview or interrogation of Lamorie?

A. Yes, sir, on the --

Q. I take it those notes, too, were taken down -- the original notes were taken down

in full view of Lamorie?

A. Yes, sir.

Q. And he has already stated that.

So, attach the original of the Lamorie notes to Exhibit No.88.

---EXHIBIT NO.88(Cont'd): Original notes of Assistant Commissioner Kennedywith respect to interview of Constable Lamorie with Commissioner Clark.

Q. That is all, thank you.

THE COMMISSIONER: Any questions, Mr. MacKinnon?

MR. MacKINNON: No, thank you.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No.

THE COMMISSIONER: Q. Thank you.

---The witness withdraws.

THE COMMISSIONER: Mr. Lamorie.

KENNETH CHARLES LAMORIE, resumes the stand.

EXAMINED BY MR. WILSON (Cont'd):

Q. Now, we were talking about May 18, and I want to talk about May 19, the next day, 1960. On that day, do you recall going with Lawrence and Scott to the Mansion House Hotel on Danforth Avenue?

A. Going where to, sir?

Q. The Mansion House Hotel, Danforth Avenue?

A. Yes. I -- Yes.

Q. Now, on that occasiondid you have a discussion about Joe McDermott?

A. Not as far as I can remember, no.

Q. Will you swear you did not have a discussion about Joe McDermott that day?

A. No, I won't swear I didn't.

Q. You won't swear?

A. No.

Q. Did you know who Joe McDermott was that day? You knew who he was?

A. Yes, that is right.

Q. Who was he?

A. A known gambler.

(Page 6218 follows)

Q. Yes, and you won't swear that the three of you did not discuss Joe McDermott that day at the Mansion House Hotel?

A. No, I won't swear to it.

Q. Hum?

A. No, I wouldn't swear to it, no.

Q. No, are you suggesting now that in the course of that discussion it was made clear that Lawrence and yourself were in communication with Joe McDermott?

A. No, sir.

THE COMMISSIONER: Well, you were?

A. I was, with who?

THE COMMISSIONER: McDermott?

A. No, I wasn't, sir.

THE COMMISSIONER: Well, was it Lawrence?

A. No, sir, not to my knowledge.

THE COMMISSIONER: How do you know?

A. I say, not to my knowledge he wasn't.

MR. WILSON: Q. How was it you got in touch with McDermott, through Balsom?

A. I never got in touch with McDermott.

Q. Well, why would - why would McDermott be using your name in a conversation he had with Scott?

A. I don't know, he has used many a name, so I have no idea.

Q. So you think he would just be talking about you and Lawrence because you happened

to be on the Force, is that it?

A. It is quite possible, yes.

Q. Yes, and did you say that you have never talked to McDermott?

A. One - on one occasion I did.

Q. What was that occasion?

A. That was at the - when we executed a search warrant on the Vets' Club.

Q. Is that the only occasion you - -

A. Yes sir.

Q. - - ever were face to face with him?

A. Yes, sir.

Q. And did you ever talk to him on the phone?

A. No, sir.

Q. To your knowledge did Lawrence ever talk to him?

A. Not to my knowledge, no, sir.

Q. Not to your knowledge, and yet you won't swear that you were not talking about McDermott with Scott and Lawrence that day - - -

A. Well - - -

Q. - - at the Mansion Hotel?

A. No, sir.

Q. And if Scott says you were, do you say he wasly ing?

A. No, I wouldn't say he was lying. I don't know what we discussed that day. I can't

remember that far back.

Q. Now, after that meeting at the Mansion House on May 19th, did either Lawrence or yourself tell Scott that in three months that you were to receive a thousand dollars each from Joe McDermott?

A. No, sir.

Q. By way of a bonus?

A. No, sir.

Q. Well, if Scott reports that in his report, is he lying?

A. As far as I am concerned, he is, yes.

Q. As far as you are concerned?

A. That is right.

Q. And if on that same date there was a discussion about the fact that Lawrence had started the Alpine Bridge and Social Club on May 8th, 1959, with two other persons, would that be right? Was that discussed?

A. Not to my knowledge. Lawrence had nothing to do with it.

Q. Will you swear there wasn't?

THE COMMISSIONER: Are you sure?

A. Yes, I would swear - - well, yes, Iwould swear there wasn't.

THE COMMISSIONER: Well, what makes you so positive?

A. Because I know there wasn't.

THE COMMISSIONER: Q. Well, now, you

knew that Lawrence had been playing in the Alpine Club?

A. Yes.

THE COMMISSIONER: There wouldn't be anything wrong about talking about it, was there?

A. No, but I don't think it was mentioned.

THE COMMISSIONER: What makes you so positive, though?

A. I don't think so, that is all.

THE COMMISSIONER: You don't think what? Don't think he even mentioned it?

A. No, I don't believe so, no.

THE COMMISSIONER: Well, if you are so certain you didn't mention that, then what did you talk about?

A. I don't know. We just talked shop, everything in general, that's all. I can't remember what we discussed.

THE COMMISSIONER: If you can't remember what was discussed, then you wouldn't remember whether or not the Alpine Club was discussed?

A. No, I don't believe it was, no.

Q. I see. If you can't remember what was discussed - - -

A. Well - -

Q. If you don't, you can't deny that the Alpine Club was discussed? Isn't that

so?

A. Yes, it could have been. Yes.

THE COMMISSIONER: Q. It could have been discussed?

A. Yes.

THE COMMISSIONER: Yes.

MR. WILSON: Q. And could it have been discussed that day that you and Lawrence were going to press McDermott for more money?

A. That is not true, sir.

Q. Eh?

A. No, sir.

Q. Well, why do you say it couldn't have been discussed?

A. Well, I don't say it wasn't discussed.

Q. You can't remember what happened that day?

A. Well, it could have been. Yes, it could have been.

Q. It could have been, yes.

A. It - I can't remember.

Q. Now, was there a discussion at that meeting about the fact that you and Lawrence were both mad at Constable Wright?

A. No, sir.

Q. That couldn't have been possible?

A. No, sir.

Q. Why do you say that, when you say you can't remember what was discussed?

A. Well, would you - - would you repeat that again, please.

Q. Well, I suggest to you it was discussed that day that Lawrence and yourself were mad at Wright?

A. No, sir. No.

Q. Who had suggested that - -

A. No, sir.

Q. To McDermott, that possibly the two of you be moved?

A. No, sir.

Q. There was some talk about a possible transfer, wasn't there?

A. No, sir, not to my knowledge. No, sir.

Q. Not to your knowledge?

A. That is right.

Q. Now, at this point, and in this period of May - the week of May 18th, and 19th, you were getting pretty close to Scott, weren't you?

A. What do you mean?

Q. I mean you had been talking to him at the office the previous day, you were out with him at the Mansion Hotel the next day?

A. Yes.

Q. Was this customary? Had you been that close to him up to this time?

A. Yes, I would say Scott and I were verygood friends.

Q. Yes. All right. Let's take May the 26th, and on that day - who has got the diary?

THE COMMISSIONER: I have.

MR. WILSON: Oh.

THE COMMISSIONER: It's all right.

MR. WILSON: On May 26th, - - -

THE COMMISSIONER: 8:30 a.m. to 5:00 p.m., general office duty.

MR. WILSON: Did youmeecompany Laurence and Scott to the Alpine Bridge and Social Club?

A. No, sir.

Q. You deny that?

A. Yes, sir.

Q. Why? Why do you say you deny that, that you went there with them at 5:00 o'clock, with those two men?

A. Because I didn't, that is all.

Q. So, if Scott reports that as of May 26th, you - you would say he wasflying?

A. That is right.

Q. And if Lawrence has told us that he was there with Scott and yourself, he would be lying too?

A. That is right.

Q. Yes, so that were you ever at the Alpine with Lawrence and Scott?

A. No sir.

Q. At no time?

A. No, sir.

Q. Never there with those two men?

A. No, sir.

Q. Well, who did you ever go to that club with?

A. Lawrence and two other constables.

Q. Who were they?

A. Kobelka and Vertolli.

Q. Vertolli. Yes, how many times did you goto the Alpine Club?

A. Oh, three, four.

Q. Now, on the next day, May 27th, do you recall accompanying Lawrence and Scott to Niagara Falls to conduct a raid on the Flamingo Club?

A. Yes.

Q. And during the trip do you recall any discussion about phoning Sammy Balsom?

A. No, sir.

Q. You deny that a discussion took place between the three of you about phoning Mr. Balsom and telling him about the raid?

A. Yes, sir.

Q. You swear that under oath?

A. Yes, sir.

Q. So that if Scott has recorded that, you say he is lying?

A. That is right.

Q. And on the way over to Niagara Falls, did you stop at the Bell Telephone

Company at St.Catharines?

A. Yes.

Q. Why? Why did you do that?

A. I don't remember.

Q. You don't remember?

A. No.

Q. Well, then, let's see what your memory is about whether Lawrence placed a call to Sammie Balsom when you stopped at the Bell Telephone Company?

A. Not to my knowledge, he didn't.

Q. Are you swearing he didn't?

A. Well, as far as I know, he didn't. I don't know. To my knowledge, he didn't.

Q. To your knowledge, he didn't, but could he have done it without your knowledge?

A. He could have, yes, I guess.

Q. He could have?

A. He could have, sure.

Q. And on the way back from that raid - - were you successful that day?

A. No, sir.

Q. What happened? Was there nothing doing when you got there?

A. No, sir, there was nothing doing.

Q. Were there some calls come in while you were there?

A. I can't remember. I don't remember if there were any or not.

Q. Well, didn't you answer the phone a couple of times?

A. I might have. I can't remember.

Q. You can't remember. Now, on your way back from that raid, did you stop any place?

A. - (no answer) -

Q. Eh?

A. - I guess we did. I can't remember. More than likely we did.

Q. Well, do you recall stopping when Lawrence called Petrochenko to discuss the forthcoming court case?

A. No, sir.

Q. Would there have been anything wrong if he had called Petrochenko about the court case?

A. What court case was that?

Q. Well, Petrochenko had been raided, hadn't he?

A. Yes.

Q. And there was a case pending at that time?

A. Yes.

Q. And I say to you would there have been anything wrong if Lawrence had called Petrochenko on your return from that raid in Niagara Falls?

A. Yes.

Q. There would have been?

A. Certainly there would have been, yes.

Q. But there would be nothing wrong with sitting down and having a conference with Petrochenko?

A. I never had any conferences with Petrochenko.

FF/2 Q. No, I say would there be anything wrong with sitting down with Petrochenko?

A. Yes.

Q. Eh?

A. Yes.

Q. Um,hm. Well, I suppose there would be nothing wrong with it after Lawrence ceased to be a member of the force, is that your idea?

A. Well, he can do what he likes. That is his - -

Q. That is his business?

A. That is his business.

Q. And you do what you choose to do as far as meeting with Balsom?

A. Yes. If I wanted to meet him, I would meet him. It is a free country.

Q. Coming back for a moment to the times you were at the Alpine Club, and your reference to the house rake-off. Who was it took in the money?

A. A fellow named Taylor.

Q. A fellow named Taylor?

A. Taylor.

Q. And did you know anything about this fellow named Taylor?

A. No, I didn't know anything else about him.

Q. You didn't know anything about him?

A. No.

Q. Know anything about his reputation?

A. No, I can't.

THE COMMISSIONER: What?

A. No.

THE COMMISSIONER: Sure?

A. No, I can't really say. I didn't know him that well. I mean, I didn't know him.

THE COMMISSIONER: All right.

MR. WILSON: It seems to me there was something else I wanted to ask you, but I can't think of it at the moment. Well, I think, Mr. Commissioner, that is pretty well it. There might be one or two questions that I have missed, and if we are going to adjourn now, I will deal with that, and just check my notes, and probably save us time.

THE COMMISSIONER: Well, we will adjourn until a week from this coming Monday, then.

Now, witness, during this adjournment, when we resume here you come back into the witness box.

A. Yes, sir.

THE COMMISSIONER: You understand that?

A. Yes. When is that day, sir?

THE COMMISSIONER: A week from Monday. During this adjournment, you are not to talk with anybody about this case, the matters we are investigating here. You understand that?

A. Yes, sir.

Q. Yes, and do you pledge your oath that you will not?

A. No, sir, I will not.

THE COMMISSIONER: By telephone or - - -

A. By any other means.

THE COMMISSIONER: - - or any other means.

A. Yes, sir, I will not.

THE COMMISSIONER: And if it turns out that you do, there will be some difficulties in your way.

A. I understand that.

Q. Do you understand that?

A. I do, yes.

THE COMMISSIONER: Now, you understand you are not to talk to anybody about this, Laurence, or nobody else. Do you understand that?

A. Not even my own wife?

THE COMMISSIONER: Not even your own wife.

A. Okay.

MR. WILSON: And he understands that that includes writing.

THE COMMISSIONER: Oh yes, he is not to communicate with anybody in any manner whatsoever.

THE WITNESS: Yes,sir.

THE COMMISSIONER: You fully understand that?

A. Yes, sir, I do, sir.

THE COMMISSIONER: And if you do, I will probably learn about it.

THE WITNESS: No doubt you will.

MR. WILSON: I wonder if Laurence should be given the same instructions, Mr. Commissioner?

THE COMMISSIONER: Yes, bring him in.

---The witness withdrew.

WILBERT COWAN BARTON LAWRENCE, recalled:

THE COMMISSIONER: Now, Lawrence, these hearings are now going to be adjourned until a week from Monday.

A. Yes, my lord.

Q. And during the period of the adjournment, you are not to communicate with anybody about the matters that are under investigation, or your evidence, or anybody else's evidence.

A. Yes.

THE COMMISSIONER: You understand that.

A. Yes.

THE COMMISSIONER: You pledge your oath that you will not?

A. I do, my lord. Does that also apply to my counsel?

THE COMMISSIONER: Who is your counsel?

A. Well, assuming I may wish to speak to Mr. Eccleston, am I permitted to do that?

THE COMMISSIONER: You better not.

A. Very well.

THE COMMISSIONER: And if you do communicate with, as I said to the last witness, if you do communicate with anybody, I am likely to hear about it.

A. Oh, I am sure you will. I will tell you myself.

THE COMMISSIONER: Well, you won't need to.

A. Yes.

THE COMMISSIONER: All right, then, adjourn till - - -

MR. WILSON: Mr. Commissioner, there is one small bit of unfinished business. I would like to call Mr. Rose to ask just what happened to that statement before we adjourn, that is all.

Would you take the box, please?

---The witness withdrew.

(Page 6234 follows)

GC/1/WC

WALTON C. ROSE, recalled:

THE COMMISSIONER: Mr. Rose, you are still under oath?

A. That is right, Mr. Commissioner.

MR. WILSON: Q. You heard the witness Lawrence say he had written out a statement and left it with you?

A. That is correct.

Q. How long ago was that?

A. I must tell you what Lawrence told me. Mr. Lawrence called me some time subsequent to the time I had been retained by Feeley and McDermott. I didn't know Lawrence, I had never met him or spoken to him prior to that time. Lawrence came into the office. But prior to the time he came into the office I was informed, and had heard prior to that time that there was a suspicion that Lawrence had not really been suspended from the Ontario Provincial Police, and that the so-called suspension was in effect a fake insofar as he and Lamorie were concerned, the object being that evidently Wright had been arrested and Lawrence and Lamorie were subsequently suspended, but that was a scheme whereby it would appear they were suspended, but in fact they would continue to work undercover up until the time, I believe, of the arrest of Feeley and McDermott. It was suspected that

they were passing as being suspended and that they would endeavour to put themselves in a position to obtain information from Feeley and McDermott, or whoever they might be in touch with by aligning themselves as suspended officers along with Wright. Now, this information I had in my possession before Lawrence came in.

THE COMMISSIONER: May I interrupt you there. Who gave you that information?

A. I heard that information from Mr. Humphrey. Evidently they had been in touch with Mr. Humphrey some time, oh, some considerable time, a year or so prior to the time Lawrence called me, and that Mr. Humphrey - - -

Q. What did Mr. Humphrey tell you?

A. Exactly what I stated, that Mr. Humphrey was always suspicious that Lawrence and Lamorie were always members of the Provincial Police despite this suspension that had occurred.

Then, when Lawrence phoned me and said he was coming in and wanted to speak to me, I communicated with Mr. Humphrey prior to the time Lawrence came in. I believe - - - I can check my diary at the office, because I am sure the date of the appointment is in the diary. And, of course, it was around seven-thirty in the evening - - I am sorry, I

think it was around six-thirty in the evening. So, after this man Lawrence called me I called Humphrey, and Humphrey said, "I didn't know that he is coming to see you, but I would be very careful if I were you, inasmuch as you are acting for Feeley and McDermott."

Lawrence came in, and as I recall, he had to wait fifteen or twenty minutes before I was able to see him. He came in and said, "I understand you are acting for Feeley and McDermott." I said, "That is correct." He identified himself at that time. I marked his name down in the file with two numbers, his home number and his business number. I said, "What can I do for you?". He said, "I have a statement here, which may be of some use to you." And he pulled out a piece of paper, and it was in longhand. And it stated in effect, the substance of it was that in the event that something should happen to me, or I am unable to testify, I wish to point out - - and then followed with four or five paragraphs to the effect he had never done anything wrong at all as far as taking bribes were concerned, or tip-offs, or anything of that nature. The names of Feeley and McDermott were not, to my recollection, mentioned in that statement whatsoever.

So, I took it and I put it on - - I keep fairly busy, and at the side of my desk I have piles of files and papers and documents, and letters which I try to get to when I can. I put it there. I said, "That is fine. Now, is there anything else you can tell me?". He told me that insofar as the evidence of Scott was concerned, he said, "I know Scott well. Scott is behind all this." And I said, "What do you think of Scott?", who I had never met at that time. And he said - - - -

THE COMMISSIONER: Now, am I interested in what he told you what he thought of Scott?

A. Insofar as it relates to the evidence he has given.

Q. He is here and he can tell me what he thinks about Scott.

A. In any event, he told me certain things about Scott. And at the same time he asked me if I could arrange a meeting between him and Joseph McDermott. And I said I thought that is very doubtful, and I didn't know whether I would approve of it. I said, "However, if you would like to call me back later this evening, I will tell you."

So, after he left, I called McDermott. I told him that this man Lawrence had been in, that I didn't know what to think of him,

but that Lawrence had requested a meeting with McDermott, and that in my opinion I didn't think that any such meeting should take place. McDermott agreed.

Subsequently - - I don't know whether Lawrencedropped back in later that night, or whether he phoned. Offhand, I think he phoned. Now, I told him it was absolutely impossible for him to meet with McDermott.

As far as the statement he gave to me, was concerned, he did not write it in my presence. It was not witnessed. I couldn't tell whether it was in his handwriting or not.

I showed it subsequently to McDermott and to Feeley, and I believe to my secretary. And I showed it to Mr. Humphrey. I believe I showed it to Mr. Humphrey up in his office. And I came to the conclusion that as far as the legal effect of the statement was concerned, it had no legal effect whatsoever. If, on the other hand, Lawrence was still an undercover operator for the Ontario Provincial Police, that it couldn't be used to discredit him in the event he ever gave evidence, because, number one, I didn't know whether it was in his handwriting; number two, the answer that he could give, "Well, I gave you that to lead you on, or to

lead your clients on, and it doesn't mean a thing."

Now, that statement was sitting on my desk at one time, it was in the file, and I know it was out of the file on several occasions. I know it was in Mr. Humphrey's office. I was sure that I had that in the file within the last few days, in with the other documents. But I can't swear today. As far as that particular statement is concerned, I do not have it in my file. It may be amongst the papers on my desk. I don't know. I am prepared to look for it, but I cannot tell you the exact whereabouts of it at the present time.

MR. WILSON: Q. Well, now - - -

A. Does that answer your question?

Q. It is in sort of a round about way. Now, that you have reached the point where you say you still may have it you better make a search.

A. I am quite prepared to make a thorough search.

Q. And then you can go on with your narrative.

A. I think that is the end of the narrative.

MR. MacKINNON: Could I ask a g couple

of questions on this, Mr. Commissioner?

THE COMMISSIONER: Yes.

EXAMINED BY MR. MacKINNON:

Q. Mr. Rose, I take it after hearing these witnesses you are now disabused of your suspicion of them being undercover agents?

A. Yes.

Q. And you heard this from Mr. Humphrey?

A. Yes. And McDermott and Feeley were of that opinion.

Q. Let's stick to that opinion. Mr.Humphrey, even though he may have suspected them as being undercover agents, he was prepared to spend money on long distance calls from them, and spend money on gas to take them over to Burlington?

A. I heard that.

Q. Did you know before today that he had taken them to Burlington?

A. Yes.

Q. So, his suspicions didn't preclude him from incurring certain expenses on their behalf?

A. You will have to ask Mr. Humphrey about that.

Q. You have heard about the collect calls today?

A. I have heard that, yes.

Q. Insofar as this document is concerned, you must have felt it has some significance because you showed it to a number of people; isn't that right?

aA. That is correct.

Q. Why do you say it would be ineffective for the purposes of cross-examination?

A. Well, I understood it ---

Q. What if they were und@rcover agents?

A. What if they were undercover agents?

Q. Yes, would it be effective?

A. I don't say that, it was couched in such general terms, without naming my clients--

Q. They said they didn't accept bribes from anyone, that would cover your clients?

A. In addition to that I had been informed by Mr. Humphrey that a sworn affidavit by Lemerie and Lawrence, which would seem a little more effective document, had been made to Mr. Ecclestone that included the same things, and became even more specific.

Q. Mr. Humphrey knew about this affidavit, did he?

A. Oh, yes.

Q. And he told you about this when you told him Lawrence was coming over to see you?

A. I don't think he told me that Lawrence was coming over to see me. I think Lawrence called.

Q. And you called Humphrey?

A. And I called Humphrey.

Q. And he told you to be careful?

A. Yes. But I had heard this about Lawrence before.

Q. Just listen to my question. Did he tell you to be careful, that these people had already given affidavits to Gord. Ecclestone?

A. I think he did mention that sometime prior.

Q. Didn't you say to this gentleman when he came into your office: "Why are you giving me this document, you have already sworn an affidavit for Ecclestone?"

A. No.

Q. You didn't mention Ecclestone?

A. No.

Q. Why not?

A. I didn't see any reason to mention or not mention him.

Q. How did you know this

[illegible]

[illegible]

[illegible]

document was still in existence?

A. I didn't. I heard he gave an affidavit to Ecclestone.

Q. If that document wasn't in existence, wouldn't this document be good for cross-examination?

A. I don't see how.

Q. If they weren't undercover agents?

A. I presumed if he weren't an undercover agent, he would tell the same thing as in there.

Q. What if he decided to tell another story, wouldn't it then be helpful for your clients to present this document in evidence and say, "You signed a statement to the contrary fact"?

A. It may well be the document is still around. I have not been able to find it. I will take a look for it now.

Q. You are not sure it is lost?

A. It is lost as far as I am concerned. I looked in my file, and the first thought I had somebody was going through the file, the same person who saw the confidential report the Attorney General gave me, or at least Mr. Wilson gave me. My first suspicion was someone at this counsel table went through it and saw it.

Q. I can assure you no one at this

counsel table went through it.

A. I said that is my suspicion, we are dealing with suspicions.

THE COMMISSIONER: Did you have the file up here?

A. Yes.

MR. MacKINNON: Q. That is your best explanation?

A. That is my only explanation.

Q. I guess it is the best and the worst, Mr. Rose.

A. I guess any way you want to put it.

MR. WILSON: Will we end on that note, Mr. Commissioner, forthe day?

THE COMMISSIONER: Yes.

---Whereupon the hearing adjourned at 5:11 p.m.

File Copy

Volume 3[illegible]

Royal Commission on Crime,

Monday June 4/62

Pages 6245 — 6532

VOLUMES Nos.

IN THE SUPREME COURT OF ONTARIO

BETWEEN :

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs.

-and-

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF PROCEEDINGS AT TRIAL.

Dates .....

Pages

Supreme Court Reporters
145 Yonge Street
TORONTO.

INDEX OF WITNESSES

INDEX OF EXHIBITS

MONDAY, JUNE 4TH, 1962

---On resuming at 10:30 o'clock,a.m.

KENNETH CHARLES LAMORIE, recalled:

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, sir.

EXAMINED BY MR. WILSON:

Q. Do you recall a meeting with Chief Inspector Graham and Corporal Edward Leggett at Crystal Beach on May the 4th, 1961?

A. Yes, I recall that.

THE COMMISSIONER: When was that?

MR. WILSON: The meeting of Chief Inspector Graham with this witness, in the presence of Corporal Edward Leggett - -

THE COMMISSIONER: At Crystal Beach?

MR. WILSON: At Crystal Beach.

THE COMMISSIONER: When?

MR. WILSON: At 10:15 p.m.

THE COMMISSIONER: Yes, but what date?

MR. WILSON: May the 4th, 1961.

THE COMMISSIONER: Do you recall that meeting?

THE WITNESS: Yes, sir.

MR. WILSON: On that occasion, did

Inspector Graham ask you to make a statement?

A. Yes.

Q. And did you say that you did not wish to make a statement?

A. That is right.

Q. But that you could make one involving other police officers, not those that they were thinking of?

A. Yes.

Q Now, was that a statement to the effect that you could make one involving other police officers true?

A. Involving other police officers -- what I meant at the time, sir, had nothing to do with accusations towards me or for other police officers -- just character references.

Q. Just tell us exactly what you mean by that statement, that you could have made involving other police officers?

A Well, just that they were not all Sunday School teachers, that is all. They were not all Sunday School teachers on the branch.

Q Did it relate in any way to corruption?

A No, sir.

Q. It was just some attack on their character?

A Yes.

Q. What was it exactly that you could have said, and did not say?

Inspector Lamarie can you be quite a statement?

A. Yes.

Q. And did you say that you did not

mean to make a statement?

A. That is right.

Q. And that you could have gone

investigating other police officers, not those that

had been indicted?

A. Yes.

Q. Now, was that a statement to the

effect that you could have gone investigating other

police officers?

A. Investigating other police officers —

such I meant at the time, sir, but nothing to do

with personal involvement in the Internal Police

Affairs — that involved officers.

Q. Does that in exactly what you

mean by that statement, that you could have gone

investigating other police officers?

A. Well, there had been some rot at all

among Detroit Police, more or less. They were

not all honest Detroit Police on the Force.

Q. Was it believe in an, might be

corrupt?

A. Oh, sir.

Q. If you were going around on that

statement.

A. Yes.

Q. That was it exactly what you

A well, it was nothing regarding -- just on their characters.

THE COMMISSIONER: Well, what was it?

THE WITNESS: Well, I don't think it should be discussed openly, Mr. Roach, because there are other police officers involved, and - - -

THE COMMISSIONER: Involving other police officers?

THE WITNESS: Well, just to their own character, that is all, my lord. That is all.

MR. WILSON: Q Did it have anything to do with the performance of their duties as officers?

A. No, I would say not.

THE COMMISSIONER: What?

A. No, I would say not - - no, I guess it would not. I would say no.

THE COMMISSIONER: You would say no what?

THE WITNESS: That it would not involve their duties in any way.

MR.WILSON: I don't -- unless Mr. Commissioner, you want to proceed further, I do not wish to press it, if it is personal, I am not concerned with it.

THE COMMISSIONER: Well, was it something personal with respect to some of them?

THE WITNESS: Yes.

THE COMMISSIONER: And it had nothing to do with the discharge of their duties?

THE WITNESS: No, I would say not.

THE COMMISSIONER: All right.

MR. WILSON: Now, Mr. Commissioner, I would ask this witness to stand down, and we will recall Mr. Lawrence.

THE COMMISSIONER: Very well. Just stand down for a moment.

MR. WILSON: And be outside.

THE COMMISSIONER: Yes, outside.

---The witness retired.

GILBERT COWAN BARTON LAWRENCE, Recalled:

THE COMMISSIONER: You are still under oath.

THE WITNESS: Yes, my lord.

THE COMMISSIONER: Yes, Mr. MacKinnon?

EXAMINED BY MR. MacKINNON:

Q Now, witness, at the adjournment last Friday, you undertook not to speak to anyone about this Commission?

A. That is correct.

Q. And did you maintain that oath?

A. I did.

Q. You did not talk to anyone about any evidence that was given at this Commission or anything else to do with this Commission?

A. No sir, not with -- with the exceptions of my immediate family, there was some small conversation, but nothing in detail.

Q. Did you receive any telephone calls?

A. No.

Q. This last week?

A No sir.

Q. This last week, having anything to do with this Commission?

A. No sir.

Q Now, you told us last day -- last

Friday, that you had had great difficulty in getting in touch with McDermott, but that you finally had succeeded, and that you met him in the King Edward Hotel, is that correct?

A. Yes.

Q. How did you get in touch with McDermott?

A. I believe I phoned Mr. Humphrey at his home, and whoever answered-answered at his home gave me a telephone number, and a room number, and I phoned that number and it turned out to be the King Edward Hotel, and I was put through to this particular room number, and I spoke to Mr. Humphrey, and I expressed my desire again that I would like to see Mr. McDermott.

Q. Again -- you had told Mr. Humphrey this before, had you?

A Yes, I believe I had mentioned it to him before, and he suggested that I come ~~dwn~~ down to the hotel and wait in the lobby, and that is the bar -- beverage room, which I did, and Mr. Humphrey came down.

Q. Mr. Humphrey was at this --

A. Mr. Humphrey apparently was at the hotel.

Q. No, he was at this meeting between you and McDermott?

A. No, he wasn't.

Q. He came down to introduce the two

of you?

A No, he came down alone, and he spoke to me and I again told him that I would like to see Mr. McDermott personally, and he said, "Well, he is upstairs, I will see what he has to say". So, he went upstairs and before long Mr. McDermott came down. I had a brief conversation with him there in the hotel lounge.

Q. In the hotel lounge?

A. Yes.

Q. And you say Mr. Humphrey had you come down to the hotel, but there still had been no firm arrangement that you had to meet McDermott, is that what you are telling us?

A. That is correct.

Q. And you say this was how long after you had resigned from the Force?

A Well, it was I believe, during the in time that Mr. Humphrey and other persons were on trial. It was their last trial.

THE COMMISSIONER: Who?

THE WITNESS: Mr. -- not Mr. Humphrey, but Mr. McDermott was on trial, that would be approximately two months ago.

Q. And it was as recent as that, that you had not spoken to McDermott since your suspension and prior to this year?

A. That is correct, sir, I had not.

Q. Did Mr. Humphrey not speak to Mr. McDermott in your presence the Sunday night

you were suspended, and you were at his home?

A No, he did not.

Q. No phone call to McDermott when you were there?

A. No sir.

Q. You are swearing to that?

A. I am, yes.

Q. Well now, why did you want to see Mr. McDermott again after you had seen him in the King Edward, because you did try to see him again, didn't you?

A. I didn't see him in the King Edward.

Q. Where did you see him?

A. In the Royal York.

Q. In the Royal York, was it?

A Yes.

THE COMMISSIONER: I am confused.

THE WITNESS: The King Edward was mentioned, the man I saw in the King Edward wasn't Mr. - - -

THE COMMISSIONER: Just a moment, please. I thought you said you wanted to see McDermott and you called Mr. Humphrey's house and got a telephone number?

THE WITNESS: That is right.

THE COMMISSIONER: And a room number?

THE WITNESS: That is correct.

THE COMMISSIONER: And you called that number?

THE WITNESS: That is correct.

THE COMMISSIONER: And it turned out to be the King Edward Hotel?

A. No, the Royal York Hotel, my lord.

THE COMMISSIONER: Didn't you say a moment ago it was the King Edward?

THE WITNESS: If I did, I am sorry, I was mistaken. It was the Royal York.

MR. MacKINNON: You said lastly, at page 5882, and I am questioning you, I believe, at this time, and I said:

"And it took place at the hotel?

"A. It took place in a beverage

"room of the King Edward Hotel."

THE COMMISSIONER: That is what you said this morning.

MR. MacKINNON: Make up your mind.

THE WITNESS: I was in error. The only time I saw a Mr. McDermott was in the beverage room of the King Edward -- not the King Edward, the Royal York Hotel. I believe I testified last week to the effect that I met a prospective employer at the King Edward Hotel.

THE COMMISSIONER: No.

THE WITNESS: I am sorry, my lord, I was in error. It was definitely at the Royal York Hotel.

THE COMMISSIONER: Well now, last week and this morning, you made it perfectly clear to me that you got this number and it turned out to

[illegible]

[illegible]

[illegible]

be the King Edward Hotel and you called that number and you spoke to Humphrey.

THE WITNESS: No, it was the Royal York, my lord.

THE COMMISSIONER: And Humphrey said: "wait in the beverage room - - go to the beverage room and I will meet you there". And then Humphrey said he would go and see him and apparently Humphrey did and he came down, and you met him, and I thought that is - - that was, at the King Edward?

THE WITNESS: If I said the King Edward, I was mistaken. It was definitely the Royal York.

MR. MacKINNON: Was it at the Royal York that Humphrey had the room?

A. Yes -- well, I don't know if he had the room, but that is where I phoned.

Q. Are you sure you did not meet McDermott both at the King Edward and Royal York on separate occasions?

A. I am positive. I only met him on the one occasion at the Royal York.

Q. Why did you want to meet him again after you had met him on this one occasion?

A. I didn't.

Q. Mr. Rose has sworn under oath here, that you came to him a short while ago, and said that you wanted to see McDermott, and he said he did not think it would be wise,

but he would ask McDermott.

A. That was later that I had seen McDermott -- later, after that conversation with Mr. Rose.

Q. Oh, I see. You went through Mr. Humphrey then, after having been to Mr. Rose, is that your story?

A. Yes, that is correct. Yes.

Q. I understood your evidence to be that you had gone to Rose about three or four weeks ago?

A. Well, I must have been mistaken. It was during the time of the trial anyway, and it was later that I saw Mr. McDermott - later, after having seen Mr. Rose.

THE COMMISSIONER: It was during McDermott's trial that you saw McDermott?

THE WITNESS: I believe it was, my lord.

THE COMMISSIONER: Are you sure?

THE WITNESS: I am reasonably certain, yes.

THE COMMISSIONER: What time of the year was it?

THE WITNESS: Well, it was the spring.

THE COMMISSIONER: This last spring?

THE WITNESS: Yes, because I recall Mr. McDermott saying something to me to the effect of, "Would I want to be a witness for him".

THE COMMISSIONER: He suggested that?

THE WITNESS: He suggested that, yes.

MR. MacKINNON: Please be clear on this,

because these dates are important. So, it is now clear in your mind that you had this conversation with McDermott, and he suggested, or asked you, whether you would like to be a witness for him?

A Yes.

Q. And their trial was going on, or was about to proceed, is that correct?

A. Yes.

Q. And he would know when it was completed?

A. Yes.

Q. Now, do you still state that being the time that you saw McDermott, that you did not subsequently go to see Mr. Rose with this statement that we have heard about?

A No, it was after - rather, I saw Mr. Rose, and it was at a later date I had seen Mr. Humphrey -- Mr. McDermott.

THE COMMISSIONER: What is this again?

THE WITNESS: At the time that I was in Mr. Rose's office, it was at a later date that I saw Mr. McDermott.

THE COMMISSIONER: You met McDermott in the Royal York, and then at some later date you saw Mr. Rose, is that what you are saying?

THE WITNESS: Well, I believe it was the case where I saw Mr. Rose first, as I said - - -

THE COMMISSIONER: Now, what do you want me to believe?

THE WITNESS: And then I saw Mr. McDermott at a later date during the time that he was on trial.

A/3

THE COMMISSIONER: Didn't you just say a moment ago that you saw McDermott when this trial was on?

A Yes.

THE COMMISSIONER: And you saw him through the intervention of Humphrey?

A Yes.

THE COMMISSIONER: As I understood you very positively, you stated that later you saw Rose -- that is what I recollect you said a minute ago.

THE WITNESS: No, the case is I saw Mr. Rose first, and then I saw Mr. McDermott at a later date.

MR. MacKINNON: Are you sure McDermott's trial was on or about to commence?

A. I am quite sure, because I remember Mr. McDermott saying to me, would I like to be a witness at this trial.

Q. Let me tell you this, witness, at that time, so far as Mr. Rose's evidence is concerned, he had not been retained by Feeley and McDermott, it was considerably later that he was retained. How do you explain that?

A. I don't. I cannot explain, other than the fact that I could be in error.

THE WITNESS: Now when I was up, Mr. Commissioner, as a lawyer came during the time that he was on the stand.

THE COMMISSIONER: Haven't you just say a minute ago that you saw Mr. Commissioner when this trial was up?

A. Yes.

THE COMMISSIONER: And you saw Mr. through the transcription of Monday?

A. Yes.

THE COMMISSIONER: As I understood you very positively, you stated that later you saw Mr. -- that is what I remember you said a short ago.

MR. MACDONALD: No, the case is I saw Mr. Mac first, and then I saw Mr. Commissioner at a later date.

MR. MACDONALD: Was you sure Commissioner's trial was on or about to commence?

A. I am quite sure, because I remember Mr. Commissioner saying to me, would I like to be a witness at this trial.

Q. Not on that you said, witness, if that trial, to the Mr. Mac's evidence in commission, he had not been excluded by rights and therefore, it was compulsorily later that he was retained. Now do you maintain that?

A. I don't. I cannot remember, other than the fact that I could be in court.

THE COMMISSIONER: You could be in error as to what?

THE WITNESS: As to the time I saw Mr. Rose, whether it was before or after, but it seems to me I can only testify as to what my conscience and memory takes, and it seems to me that I had seen Mr. Rose first, and later Mr. McDermott, at a later date.

MR. MacKINNON: What interests me - - -

THE COMMISSIONER: I don't know why you would say Rose, when Rose was not acting for McDermott.

THE WITNESS: Mr. Rose apparently was acting for Mr. McDermott.

THE COMMISSIONER: Not at this trial, not at the time of this trial.

THE WITNESS: Then I can only say it was at a later date, I guess, my lord. And, that is possible.

MR. MacKINNON: Not only you, but Mr. Lamorie has sworn that at the time you took this document to Mr. Rose's office, it was three weeks to a month ago.

A. It seems to me it was that time, yes.

THE COMMISSIONER: Well now, what do you want me to accept, you saw Rose and then saw Mr. McDermott, or saw Mr. McDermott, and then saw Rose?

THE WITNESS: Well now, you have got me

THE CONSTABLE: You could be in grave as we might?

THE WITNESS: As to the time I saw Mr. Rose, whether it was before or after, yet it seems to me I was only temporarily on to where my consciousness and memory tolerate, and it seems to me that I had seen Mr. Rose first, and Jacob Mr. Hammerly, so to speak.

Q. MR. MACLAUGHLIN: Just interpose one - - -

THE CONSTABLE: I don't know why you should say Rose, when you had seeing Jacob Hammerly.

THE WITNESS: Mr. Rose apparently was serious for Mr. Hammerly.

THE CONSTABLE: Not as this trial, but at the time of the VITAL.

THE WITNESS: Then I can only say it was at a later date, I guess, by long. No, that is possible.

Q. MR. MACLAUGHLIN: Not only that, but Mr. Lawrence has shown that at the time you were being examined by Mr. Rose's office, it was three years to a month ago.

A. It seems to me it was that long ago.

Q.

THE CONSTABLE: Well now, what do you want us to accept, you saw Jacob and then saw Mr. Hammerly, or saw Mr. Rose, and then saw Jacob?

doubting myself, I really -- but it seems to me I saw Mr. Rose first, and at a later date, I saw Mr. McDermott, but I may be in error.

MR. MacKINNON: If you are in error, then it means you were trying to see McDermott for a second time?

A. No, I only saw him once.

THE COMMISSIONER: That was during his trial?

THE WITNESS: During his trial, yes, I am quite clear on that, because he suggested I be a witness at his trial.

MR. MacKINNON: That is fine. Then, you must have seen Rose later and Mr. Rose has sworn that at that time you requested to see McDermott again. Now is that true?

A. Well, to my mind, I can only recall having requested - well, I requested a number of times, but I only saw him the once, and after I saw him, I had no reason to see him again.

Q. Did you request to see him again through Mr. Rose?

A. No, I would say that I didn't.

THE COMMISSIONER: Did you ever request through Rose to see McDermott?

A. Yes.

THE COMMISSIONER: When?

A. When I ~~g~~ went to see Mr. Rose, I

[illegible] myself, I really -- but it seems to me I have to, from first, and on a later date, I see Mr. Robertson, but I may be in error.

Mr. Robertson: If you are in error, then it means you were saying to one Abercrombie [illegible]

A. No, I only saw him once.

THE COMMISSIONER: That was certainly his [illegible]

THE WITNESS: [illegible] I've really plenty to [illegible] I see a witness at this trial.

MR. MACDONELL: [illegible] Then, you must have seen more labor and Mr. Hope was [illegible] that he thinks you responded to [illegible] [illegible] again. Now is that [illegible]

A. Well, in my mind, I was only [illegible] [illegible] - Well, I [illegible] a number of times, but I only saw him [illegible] [illegible] after I saw him, I had no reason to see him [illegible]

Q. Did you [illegible] to see Mr. [illegible] [illegible]

A. No, I could say [illegible] I [illegible].

THE COMMISSIONER: Did you ever [illegible] through Hope to see [illegible]

A. No.

THE [illegible]: [illegible]

Q. When I [illegible] to see Mr. Hope, I

believe I asked him that I would like to see McDermott. I made that request to him.

THE COMMISSIONER: Whenever you saw Rose, and there is no doubt about this - - - -

THE WITNESS: I believe it was at the time - - - -

THE COMMISSIONER: Just a moment, please. You saw Rose, on that occasion, you went to see McDermott?

A. Yes.

THE COMMISSIONER: And that was because Rose was acting for McDermott, is that right?

THE WITNESS: Yes, I believe that is the circumstances, yes.

MR. MacKINNON: Q. What time of day didyou see McDermott?

A. It was in the evening, I would say approximately nine o'clock, in and around there.

Q. And you say that Humphrey did not come down again - -

A. No.

Q. - - with McDermott?

A. No.

Q. You knew McDermott to see him?

A. Oh yes.

Q. And vise versa?

A. Yes.

Q. Well then, what interests me is you were apparently quite eager and anxious to

believe I asked him that I would like to see Motermott. I made that request to him.

THE CHAIRMAN: Whenever you see fit, and there is no doubt about this - - - -

MR. ATLEE: I believe it was at one time - - - -

THE CHAIRMAN: Just a moment, please. Do the Bank, or that consultant performed in the Industry?

A. Yes.

THE CHAIRMAN: Did that not consider Bunn was working for Motermott, in that capacity?

THE WITNESS: Yes, I believe they do the investigatory work.

THE CHAIRMAN: It was necessary in the history of the Company.

Q. If was in the overall, I would say approximately three o'clock, in and around Bunn?

Q. And you say that Montgomery did not come down again - -

A. No.

Q. - - with Motermott?

A. No.

Q. You have Motermott to see Bunn

A. Yes.

Q. Two-five years?

A. Yes.

Q. Well then, what happens as it was your responsibility with Bunn and Montgomery

call Sammie Balson and talk to him, and you did so on at least four occasions, according to your own information?

A. I didn't.

Q. Pardon?

A. I phoned him four times?

Q. You spoke to him four times -- whether face to face or on the telephone, you have given that evidence yourself?

A. Well, to my recollection I had spoken to him twice in person, and once on the telephone.

Q. You called him on Sunday, on the phone, isn't that right?

A. Yes.

Q. And you talked to him in Humphrey's office, the next day, on the telephone?

A. That is correct.

Q. That is four times?

A. That is correct.

THE COMMISSIONER: How do you get four times out of that?

MR. MacKINNON: He knows the other two times he saw him, face to face.

THE WITNESS: Yes, my lord.

Q. Once in Burlington and once in the bowling alley?

A. That is correct.

Q. You were quite anxious to see

only personal feelings and talk to him, and you did so on at least four occasions, according to your own testimony?

A. I did.

Q. Yes?

A. I proved him four times.

Q. You spoke to him four times -- without leaving an item on the telephone, you have given that evidence yourself?

A. Only, to my recollection I had spoken to him twice in person, and once on the telephone.

Q. The failed him on Sunday, so you say, isn't that right?

A. Yes.

Q. Was you trained to lie in Commonwealth's office, for that day, as the witness?

A. That is correct.

Q. What is four times?

A. That is correct.

THE CONSTABLE: How do you get four times out of that?

A. Mr. MACKINNON: He knows the other two times he saw him, have to face.

THE WITNESS: Yes, he knew.

Q. Once in Burlington and once in the bowling alley?

A. That is correct.

Q. You were quite anxious to see

Balsom, why weren't you equally anxious to see the much bigger wheel in the picture, named McDermott?

A. Well, I wasn't anxious to see him.

Q. Weren't you anxious to see him immediately after your suspension, as you were with Balsom?

A. No.

Q. Why not? You were being accused of having dealings with him, you have told us?

A. No, as a matter of fact, it wasn't apparent to me that I had been accused of having dealings with McDermott at the time that I was suspended. I don't recall McDermott being in the picture. I recall that Commissioner - - that the Commissioner and Assistant-Commissioner Kennedy mentioned Balsom and Petrochenko, two persons I had known very well from investigations, and that is all. I don't recall him mentioning McDermott.

Q. When was McDermott mentioned to you then?

A. I don't know whether -- possibly I read it in the paper, or whether Inspector Graham might have mentioned it to me at the time when he questioned me.

Q In June of 1960?

A. Yes, approximately.

Q. Why wouldn't you get in touch with McDermott then?

A. Well, I am not at all sure

mission, you haven't the faintest idea of what has been going on in the pictures, have you?

A. Well, I wasn't anxious to see him.

Q. Haven't you anxious to see him immediately after your suspension, as you were with Quinn?

A. No.

Q. Why not? You were being accused of having consulting with him, did you not?

A. No, as a matter of fact, it seemed apparent to me that I had been accused of having dealings with Hollywood at the time that I was suspended. I don't recall Hollywood being in the picture. I recall that Commissioner - - was for investigation and investigation-investigation, hearing questioned in Zion and Sacramento, two persons I had known for very well from investigations, and that's in all. I don't recall him mentioning Hollywood.

Q. Then you definitely mentioned to you that -

Q. I don't know — definitely I was used to in the press, or whether Congressman Hoffman might have mentioned it to me at that time when he questioned me.

Q. In June of 1950?

A. Yes, approximately.

Q. Why wouldn't you get in touch with Congressman Hoffman?

A/4

whether he did mention McDermott at that time. It was quite some time later that I realized that I had been accused of doing business with McDermott.

Q. Well now Lamorie has told us that he understood from the gamblers -- the use of the word gamblers, and it included Feeley and McDermott, but he did not pass that information on to you, is that it?

A. No, he did not.

Q. He kept this to himself so far as you were concerned?

A Yes.

Q. His understanding of who was meant was the term gamblers - that he had relations with gamblers?

A Yes, I cannot remember Mr. McDermott's name being mentioned. It was quite some time after my suspension. Whether it appeared in the newspapers, or just how it came about, I am not certain.

Q Now just in that connection, I have here an affidavit which I believe comes from Mr. Ecclestone, and it is dated 6th April, 1961, and signed Wilbert Cowan Barton Lawrence, is that your signature?

A. Yes.

Q. Do you know before whom you swore that affidavit?

A. No sir, I don't.

[illegible] of the medical [illegible] at [illegible] time,
if not even the date that I [illegible]
that I had been accused of doing business with
[illegible].

Q. Did Joe Lamorte ever tell you
that he [illegible] from the gamblers -- the
use of the word gamblers, and it included [illegible]
and [illegible], but he did not even that information
on to you, is that [illegible]?

A. No, he did not.

Q. He kept this to himself as far
as you were [illegible]?

A. Yes.

Q. His [illegible] of the [illegible]
record was the term gamblers - that he had
[illegible] with [illegible]?

A. Yes, I really [illegible] my,
[illegible]'s [illegible] [illegible]. It was
quite [illegible] by [illegible].
[illegible] it [illegible] in the [illegible], or just
how it [illegible] [illegible], I am not [illegible].

Q. Now just in that [illegible], I
have been an [illegible] which I believe [illegible]
from Mr. [illegible], and it is [illegible] [illegible],
[illegible] [illegible] [illegible] [illegible],
is that your [illegible]?

A. Yes.

Q. Do you [illegible] before when you
[illegible] that [illegible]?

A. No [illegible], I [illegible].

Q. But it was in Ecclestone's office that this affidavit was prepared?

A Yes.

Q. I wonder if that may be filed as the next Exhibit, please.

THE COMMISSIONER: Yes.

---EXHIBIT NO.176: Affidavit dated April 6th, 1961, signed by Wilbert Cowan Burton Lawrence.

MR. MacKINNON: Q Now, just in connection with Feeley, McDermott, and your affidavit, your affidavit differs from your friend Mr. Lamorie's, which was sworn on the same date. Now, do you know any reason for there being a difference in the affidavits? Was there any discussion of this?

A. No, I don't know of any reason.

Q. Well, there is an added sentence in yours, which isn't in Lamorie's, which reads as follows:

"Further, to the best of my knowledge "and belief, I have never had any "telephone conversations with the "aforesaid Vincent Feeley, or Joseph "McDermott."

THE WITNESS: To the best of my belief.

Q. Now, do you know why this one sentence was left out of Lamorie's affidavit?

A. No sir, I don't.

Q. Was there any discussion with Mr.

Q. But is that in Scottsboro's office that this affidavit was prepared?

A. Yes.

Q. I wonder if that may be filed as the next Exhibit, please.

THE CONSTABLE: Yes.

—EXHIBIT DEL(IV): Affidavit dated April 6th, 1931. Signed by Clarence Darrow.

Mr. McCLENDON: Q. Now, just in [illegible], Richmond, and just [illegible] affidavit attempts from your friend Mr. Lamarie's, which was sworn on the same date. Now, do you know any reason for there being a difference in the affidavit? Do there any discussion at Lamarie?

A. No, I don't know of any reason.

Q. Well, there is an added sentence in your, which isn't in Lamarie's, which reads as follows:

"Further, to the best of my knowledge and belief, I have never had any telephone conversations with the Chairman Vinson Society, or Vinson Committee."

THE WITNESS: To the best of my belief.

Q. Now, do you know why this one sentence was left out of Lamarie's affidavit?

A. No sir, I don't.

Ecclestone about this?

A. Not that I recall.

Q. You and Lamorie were in together?

A. Yes.

Q. Was it because Lamorie couldn't swear truthfully to this last sentence that I read you?

A. I would certainly think not, no.

Q. You think that he could swear to the same effect?

A. Why certainly I would think so, yes.

Q. But Feeley and McDermott are certainly mentioned in this affidavit, aren't they?

A. I believe they are, I don't know.

Q. Now, if I may go back a little in time in following your examination by Mr. Wilson. Your Earl French Club - now, do you - did you tell us here that you frequented that club yourself?

A. Yes, during the time that I was a member of the Provincial Police, I believe all members of the squad - -

Q. I am not interested in that - never mind about the other members.

A. Yes sir.

Q. Did you frequent the club?

A. Yes sir.

Q. Do you drink?

A. Yes.

Doctor Cone sound this?

A. Not that I remember.

Q. You and Lamarche were in together?

A. Yes.

Q. Did Dr Lamarche leave weights?

Answer questionably to this just mentioned line 2 round part?

A. I would positively swear yes, sir.

Q. You think that he could answer to the same effect?

A. My impression I would think so, yes.

Q. Are Presley and Hollywood are positively mentioned in this affidavit, aren't they?

A. I believe they are, I don't know.

Q. Now, if I may go back a little on line 12 relating your association by Mr. Kilmer, Kent Area Pension Club - then, do you - did you call to mind that you frequented that club yesterday?

A. Yes, during the time that I was a member of the Pension Bureau, I believe all members of the round - -

Q. I am not interested in that - never mind that, just the other question.

A. Yes sir.

Q. Did you frequent the club?

A. Yes sir.

Q. Do you drink?

Q. Now, on May the 17th, you fortuitously turned up atthis club, we have heard, with Police Constable Wright and Police Constable Scott - they were there, is that correct?

A Yes.

Q How recently before May the 17th had you been there - had it been some week_s or months?

A. No, I would say possibly the same week. I used to go there, I would say, on an average of two or three times a week, possibly.

Q. Who would you go with, apart from Lamoxie?

A. Sometimes myself, Scott - -

Q. Anyone else?

A. Scott, or members of the Branch with the exception of Sergeant Andersen.

Q. So you saidyou would go with Scott quite frequently?

A Yes.

Q. And you are swearing to that?

A Yes.

Q. And - -

A. I don't know what you mean by "quite frequently".

Q. Well, you said twice a week?

A. I said I would frequent the place myself approximately twice a week, on occasions --

Q. Now, on May the 17th, you

fortuitously turned up at this club, we have

seen, with Julia Cabanis [illegible] and Julia

Gonzalez [illegible] [illegible] were there, is that

correct?

A. Yes.

Q. Had recently before May the 17th

had you been there - had it been some week's or

months?

A. No, I would say possibly one

[illegible] I did go there, I would say,

on an average of two or three times a week.

CONSIGLI:

Q. Who would you go with, again?

THE WITNESS:

A. Sometimes myself, South - -

Q. Anyone else?

A. South, or members of the [illegible]

with the exception of [illegible].

Q. So you [illegible] would go with

[illegible] [illegible]?

A. Yes.

Q. And you are [illegible] to [illegible]?

A. Yes.

Q. And - -

A. I don't know what you mean by

"pulse frequently".

Q. Well, you [illegible] [illegible] a week?

A. I would I would frequent the place

[illegible] [illegible] [illegible]

on some occasions more, on some occasions less, with Constable Scott I would say I had seen him there and been there with him and went there with him, oh, I don't know, perhaps 25 times.

Q. Would there be waiters in this club?

A No.

Q. A bar tender?

A. A bar tender.

Q. What was his name?

A. Bill -- the old fellow's name was Bill.

Q. Do you know his last name?

A. No.

Q Now, you also told us on this occasion that you went out first and got ready to leave,and Constable Scott followed you out, is that correct?

A. That is correct, yes.

Q. Now, and then you said a little later Constable Wright came out. Now, how didhe know where your car was?

A. It was parked directly in front of the place, that is the only exit - proper exit to the building, the path in front of the building, and my car was parked directly in front of that.

Q. On the highway?

A. On the street.

Q. There is parking directly in front around there?

A. Yes.

Q. It is not a restricted area right in front of the club?

A. No, not to my knowledge.

Q. I am talking about the Earl French Club?

A. Yes, the Earl French Club.

Q. Just while we are on that occasion, I notice you are rather vague as to what was discussed, and whether anything was said about anybody in the Attorney General's Department on that occasion?

A. No, I am not vague on that.

Q. You are not now - -

A. I don't believe I ever was, if anything was said on that occasion which would be considered illegal, or something like that, certainly it would be implanted in my memory, and I would recall it, but the ~~xxx~~ conversation was of no great importance, centred around, I believe, apparently, on Bob Wright, and how he was getting along in Belleville and so forth. I can't honestly recall what the conversation was about.

Q. Was anything said about the Attorney General's Department, whether it was good or bad, doyou remember that much?

A. No, I would say this, that if there

Q. There is parking already in place around there?

A. Yes.

Q. It is not a restricted area right in front of the clubs?

A. No, not to my knowledge.

Q. I am talking about the Xxxx Xxxxxx Club?

A. Yes, the Xxxx Xxxxxx Club.

Q. Does this make us are on that occasion, I notice you are rather vague as to what was discussed, and whether anything was said about applying to the Attorney General's Department on that occasion?

A. No, I am not vague on that.

Q. You are not now - -

A. I don't believe I ever was. If anything was said on that occasion, it was in conjunction already, or something like that, certainly it would be impressed in my memory. And I would recall it, but the main conversation was of no great importance, centered around, I believe, apparently, on the Bright, the man he was getting along in Kalamalka and so forth. I don't remember anything of conversation was about.

Q. Was anything said about the Attorney General's Department, whether it was good or bad, mayne remember that sort?

was anything critical said, it would -- I would certainly -- it would certainly impress me, but if the Attorney General's Department was mentioned, it is possible I would remember it.

A/5 Q. So far as you are concerned, you cannot remember anything being said about the Attorney General's Department, despite what Scott has sworn to?

A. That is correct.

Q. You also were asked the question as to whether you told Wright that unless he could show you that some useful purpose would be served, you would not talk business with Wright, and you said you don't recall that, now, could you have said that?

A. No, I am certain I didn't, otherwise the reason certainly would be implanted in my memory.

(Page 6270 follows)

Q. So you, apart from the reason, are telling us affirmatively you never said anything remotely resembling that?

A Yes, I would say I did not.

Q. Now, we come to the next club, the Alpine Club. You said you were introduced to that club by James Kimbell or Fred Taylor?

A. That is correct, one or the other.

Q Who is Fred Taylor?

A Who is he?

Q. Yes?

A. He is one of the local east end group.

Q What does he do for a living?

A. I don't know. He did run a service station on Kingston Road.

Q How old is he?

A. Approximately 40.

THE COMMISSIONER: What is the other man's name?

MR. MacKINNON: Kimbell.

Q. Where does he live?

A. I don't know where he lives.

Q. You have never been to his home?

A. No.

Q. Never been to his home?

A That is correct, never.

Q. Is he related in any way to you by marriage?

Q. So you, apart from the reason, are telling us affirmatively you never said anything remotely resembling that?

A. Yes, I would say I did not.

Q. Now, we come to the case also, the Alpine Club. You said you were introduced to that club by James Kilmorii or Fred Taylor?

A. That is correct, one or the other.

Q. Who is Fred Taylor?

A. Who is he?

Q. Yes?

A. He is one of the local boys and

[illegible]

Q. What does he do for a living?

A. I don't know. He did run a service station on Clayton Road.

Q. How old is he?

A. Approximately 40.

MR. [illegible]: What is the answer, [illegible]

MR. BLACKMORE: Finish.

Q. Where does he live?

A. I don't know where he lives.

Q. You have been to his home?

A. No.

Q. Never been to his home?

A. That is correct, never.

Q. Is he married in any way to you

[illegible]

A. None whatsoever.

Q. Or by blood?

A No.

Q. Do you know him very well? You called him a friend, I believe, the last day?

A. Well, he was a person I had met in the course of playing poker in the east end. I wouldn't consider him a friend other than actually an acquaintance.

Q. What was he doing at the time he introduced you to the Alpine Club?

A. Do you mean for a living?

Q. Yes?

A He was running a service station on Kingston Road.

Q. He was still running a service station at that time in 1959 and 1960?

A. Yes.

Q. Do you know what kind of service station it was?

A. Yes. It is a B-A service Station.

Q. He lived away out in the east end. Is that what you are telling us?

A That is correct.

Q. Can you tell me what he was doing down at this particular club in the daytime?

A. I don't know.

Q. It was down near the King Eddie, you told us?

A. Yes. I didn't know that he was

A. None whatsoever.

Q. Or by blood?

A. No.

Q. Do you know him very well?

You called him a friend, I believe, the last day?

A. Well, he was a person I had see in the course of playing poker in the past year. I wouldn't consider him a friend other than strictly on business.

Q. What was he doing at the time he introduced you to the Algiers Club?

A. Do you mean for a living?

Q. Yes.

A. He was running gambling stations in Algiers.

Q. He was still running a service station at that time in 1949 and 1950?

A. Yes.

Q. Do you know what kind of service station it was?

A. Yes. It is a 24-h service station.

Q. He lived away on Jin the east end. Is that what you are telling me?

A. That is correct.

Q. Can you tell me what he was doing down at this particular club in the daytime?

A. I don't know.

Q. It was down near the King Radio. Do that?

A. [illegible]

there in the daytime.

Q. When did he introduce you into the club?

A. It was one evening in the east end, in a local restaurant in the east end. I went in there and he was there.

THE COMMISSIONER: Q. Where did you say in the east end?

A. I am not certain, my lord, but I think it was a restaurant opposite his service station, if I recall correctly. I am not at all positive on that. But at that time, he said he was going to go downtown and play cards and did I want to go. I said yes, so away we went.

MR. MacKINNON: Q. This wasn't over the lunchtime or the noon hour that he introduced you to the club, it was in the evening?

A. I believe it was.

Q. How did you get into this building in the evening?

A. It was always open when I went down.

Q. Are you sure of that?

A. Yes.

Q. Did the caretaker not tell you the building was closed and locked in the evening?

A. No, I never saw any caretaker.

Q. I will come to that in a minute.

shown in the daytime.

Q. When did he interrupt you into the cash?

A. It was one evening in the summer, in a local restaurant in the town centre. I went in there and he was there.

Was [illegible] Q. Where did you say in the cash box?

A. I am not certain, my lord, but I think it was a mechanical opening his security machine, if I recall correctly. I am not at all positive on that. But on that occasion, he said he was going to go downtown and play cards and did I want to go. I said yes, so [illegible] he went.

Mr. Lewis: Q. When weren't even the lunchtime or the cash box rule he interrupted you in the city. It was in the evening?

A. I believe it was.

Q. Was old Jan yet long gone from building in the evening?

A. It was always gone when I was there.

Q. Are you sure of that?

A. Yes.

Q. Did the caretaker not tell you the building was closed and locked in the evening?

A. No, I never saw any caretaker.

Q. [illegible]

Did you ever see any key being used to open the door to get in?

A. No, I can't say that I have.

Q. And you were there frequently in the evening?

A. No, most frequently during the afternoons when I would go for my lunch I go in the club and Saturday afternoons when we finished work we would go over there.

Q. Did you know whether Fred Taylor had a record of any kind?

A. Did I know that?

Q. Yes?

A. No, I don't recall.

THE COMMISSIONER: Q. You don't recall what?

A. I don't recall him mentioning it or having known that.

MR. MacKINNON: Q. No one told you that?

A. No.

Q Do you know now?

A. No.

Q. Whether he had ever been charged or convicted of a criminal offence?

A. No.

Q. How about James Kimbell? What did you know about him?

A. Nothing, other than he was an acquaintance similar to Taylor.

Did you ever see any men being used to open the door to get in?

A. No, I can't say that I have.

Q. And you were there frequently in the evening?

A. My, most frequently during the afternoons when I would go for my lunch I go in the club and Saturday afternoons when we finished work we would go over there.

Q. Did you hear anything from Vivian Bain a dressmaker at Sip Island?

A. Was I there then?

Q. Yes?

A. No, I don't recall.

MR. [illegible]: Q. Did anyone mention money?

A. I don't recall his mentioning it or having heard that.

MR. MACDONALD: Q. No one told you that?

A. No.

Q. Do you know Ken.

A. No.

Q. Whether he has ever been charged or convicted of a criminal offence?

A. No.

Q. Did Fred Lane (Lewis) ever did you hear Lewis say?

A. Nothing, never then as was an unmentionable station in Sydney.

Q. Where did he live?

A I don't know.

Q You have never been to his home?

A. I was to his home some time ago, yes, where we had a card game there.

Q. Where abouts does he live?

A. I don't know where he lives. He did live on Kingston Road at that time.

Q. What is his occupation?

A. I believe he is a printer.

Q. Is he any relation to you by marriage or by blood?

A. No, sir.

Q. How long have you known him?

A Well, I would say approximately five years perhaps.

Q. And how long have you known Fred Taylor?

A. Approximately the same length of time.

Q. How old is James Kimbell?

A. I would estimate 50.

Q. Now, who was running this club when you were there? I thought you told me or told us Kimbell and ~~Fred~~ Taylor, or one or the other of them was running this club?

A. No. I don't know who was running the club.

Q. Who was the steward there?

A. I don't know.

Q. Where did you leave?

A. I don't know.

Q. Did more money come to this house?

A. I was to pay some time ago, yes, when we had a good game there.

Q. Have always been in debt?

A. I don't know anything about it.

Do you have an Kingston bond or bank book?

Q. What is your occupation?

A. I believe am in a painter.

Q. Is the map exhibited to you by Mr. Chambers or by himself?

A. Yes, sir.

Q. How long have you known him?

A. Well, I would say approximately five years.

Q. And how long have you known Fred Spiers?

A. Approximately the same length of time.

Q. - How old is Jamie Kimmerly?

A. I would estimate 30.

Q. Now, was anything this side when you were there? I remember you told me on Kimmerly and Sam Spiers, or one or the other of them was running this place?

A. No. I saw's from who was running the place.

Q. Who was the banker there?

Q. Because you just didn't walk in and nobody was there to look after the place?

A. There were people there but nobody indicated to me they were in charge. I couldn't spot any particular person as saying they appeared to be in charge or anything like that.

Q. Kimbell and Taylor never suggested to you who was in charge when they introduced you to the club?

A No, they didn't.

Q So it was just something like "Popsy" . You just walk in and nobody there to look after it as far as you are aware?

A As far as I am aware, yes. I was told that I could use the facilities of the club whenever I liked, that the place would be open and I could wak walk in and eat lunch there.

Q. Who told you?

A. I believe it was Fred Taylor.

Q. What rights did he have to tell you this? Did you ask him?

A. No, but I assume he enjoyed the same privileges.

Q. Apparently anyone enjoyed the privileges?

A. Apparently.

Q. Anybody could go in off the street. Did you take your lunch there?

Q. Because you Jane didn't walk in and suddenly you found to have stuck the pilot?

A. There were people there but nobody indicated to me they were in danger.

I mention that particular question as nothing they suggested to us in change or explaining this that.

Q. Bidwell and Taylor have suggested to you that the in engine that they interfered you to the right?

A. No, they didn't.

Q. So it was just something like "Pong" . You just walk in and nobody there to look after it is fair as you are aware?

A. As far as I am aware, yes.

I was sure that I could use the facilities of the club whenever I liked, that the pilot would be open and I could use walk in and use them freely.

Q. Who told you?

A. I believe it was Fred Lyle.

Q. Did you ask him?

A. No, but I assume he enjoyed the same privilegen.

Q. Apparently anyone enjoyed the privilegen?

A. Apparently.

Q. Anybody could go in off the street.

Did you take your lunch there?

A. Yes, I did.

Q. Or buy it there?

A. I took my lunch.

Q. Was there a lunch counter there?

A. No, sir.

Q. Did you say there was a television set there?

A Yes, sir.

Q Did you know who paid for that television set?

A No.

Q. Do you know who purchased it?

A. No.

Q. Did you have any hand in it?

A. No, sir.

Q. At no time?

A. No, sir.

THE COMMISSIONER: Q. You took your lunch there. You actually carried it to the club and ate it there?

A. That is correct, my lord.

MR. MacKINNON: Q. Now, how many rooms did those club rooms consist of?

A. One that I could see. There was only one room that I was ever in.

Q. Did you notice who was on the same floor --- what other business?

A. No. I recall there was a washroom on the same floor and a door leading somewhere. I am not certain where.

Q. Very I say.

A. Or may it please?

Q. I were my lunch.

A. Was there a lunch counter nearby

Q. No, sir.

A. Did you say there was a delicatessen

nearby?

Q. Yes, sir.

A. Did you know who paid for that

delicatessen?

Q. No.

A. Do you know who purchased the

Q. No.

A. Did you have any hand in it?

Q. No, sir.

A. Do no times?

Q. No, sir.

THE COMMISSIONER: Q. You took your lunch there. You actually carried it to, the

also and ate it there?

A. That is correct, my lord.

MR. [illegible]: Q. Did you see

teens did these also teens carried of?

A. One that I could see. There was

only one teen that I was even in.

Q. Did you notice who was on the

[illegible] — [illegible]?

A. No. I usually there was a

[illegible] on the same floor and a door leading

[illegible]. I do not recall where

Q. Was there a Mr. Roderick Corrigan on the same floor? Did you see that name on the doors?

A. No, I don't recall.

Q. Do you deny ever speaking to him?

A No, I don't deny. I don't know the gentleman.

Q. Could you have ever discussed with him taking an option on the other two rooms he had?

A. Did I ever discuss it?

Q. Yes?

A. I never discussed that with anyone.

Q. Did you ever meet the janitor?

A. Not to my knowledge. I might have.

Q. Did you ever meet the owner, Mr. Hitchinson?

A. Not to my knowledge. I might have.

Q Is it just a coincidence that this club closed its door in June, 1960, after you had been suspended and resigned from the force?

A. It is possible. I never went back there. I don't know.

Q. But you are now swearing under oath that you had no interest of any kind in this

Q. Did there be Mr. Gabriela Rodriguez on the same floor? Did you see that name on the [illegible]?

A. Yes, I don't remember.

Q. Do you keep some [illegible] in your [illegible]?

A. No, I don't think. I don't know the questions.

Q. Could you have ever discussed this [illegible] working as agents on the cases you [illegible] be [illegible]?

A. And I ever discuss it?

Q. Yes.

A. I never discussed that with anyone.

Q. Did you ever meet the [illegible] [illegible]?

A. [illegible] to my knowledge. I [illegible] here.

Q. Did you ever meet the owner, [illegible]?

A. Not to my knowledge. I [illegible] there.

Q. Is it true a conclusion that [illegible] that in your [illegible] [illegible] you had been suspended and resigned from the [illegible]?

A. It is possible. I never was [illegible] since. I don't know.

Q. But you are now [illegible] under oath that you had no interest of any kind in this

club, other than as a mere transient who attended on the premises from time to time?

A. That is correct.

Q. Now, did you go there on one occasion with Mr. Scott and Lamorie?

A. It is possible.

Q Well, shortly before you were suspended, did you not go there with Scott and Lamorie? You have so testified, I believe?

A. It is entirely possible. I went there with a good many of the officers.

Q I am limiting myself to Scott and Lamorie. This is on May 26th?

A It is possible I went there with Scott and Lamorie. I don't recall. However, the incident is very familiar to me or rather, it is familiar.

Q. What do you mean by very familiar?

A. Well, I recall, I believe, having gone there with Constable Scott.

Q. And Lamorie?

A. I believe it was Lamorie. I don't know. And when it was, I couldn't swear. I don't know, but I believe I did go there.

THE COMMISSIONER: Q. It is more than possible, it is a fact now?

A. No, I couldn't swear to it being a fact. I say it is possible and the incident is familiar to ~~x~~ me.

MR. MacKINNON: Q. Are you changing your

evidence from the last day? Let me read that to you.

THE COMMISSIONER: Just a minute. I want to get what he says today. I thought you said it was possible you went there with Scott and Lamorie?

A. Yes, sir.

Q. You saidthe incident is very familiar to you?

A. Yes.

Q. If it is familiar to you, you remember?

A. Perhaps I shouldn't use the words very familiar, but it is familiar.

Q If it is familiar, you remember it?

A Not in exact detail, my lord.

Q You remember going there. That is the point?

A. Yes. I remember going there.

Q. Why did you say a moment ago it is only possible you went there?

A With Scott and Lamorie?

Q. Yes?

A. It is possible but I don't recall in particularly clear detail having gone there specifically with those two persons. I say it is possible.

Q. What is the incident that you remember? Do you remember it well or vaguely? What is the incident?

violence from the last day? Let me read that to you.

THE CHAIRMAN: Just a minute. I want to get what he says today. I thought you said it was possible you went there with Sarah and Immanuel.

A. Yes, sir.

Q. You sudden incident is very unlike Sarah?

A. Yes.

Q. If it is familiar to you, you

Prosecutor:

A. Because I absolutely was the worse very familiar, but it is familiar.

Q. If it is familiar, you remember why

A. But in great detail, my lord.

Q. You remember going there. That is the point.

A. Yes. I remember going there.

Q. Mr. did you say a moment ago it is only possible you went there?

A. Both Sarah and Immanuel

Q. Yes?

A. It is possible and I don't recall in particularly clear detail being there specifically with those two persons. I say it is possible.

Q. Does it the incident that you

Prosecutor: If the witness is will be valuable

A. Having been there with Constable Scott.

Q. And Lamorie?

A. Yes, it is quite possible, but I can't swear on it definitely. I would say in all pzuzk probability it is a fact. I don't know.

MR. MacKINNON: Q. May I readyou this?

A Yes.

Q. Mr. Wilson was asking you this question at 5978:

"Q. Now, on May 26th, which would be "the next week, the Thursday of the "next week, do you recall going to the "Alpine Club with Scott and Lamorie?

"A. Yes, I do."

There was no equivocation there, was there?

A. No.

Q. Does that help you any?

A. Not too much.

THE COMMISSIONER: Q. Any?

A. No, my lord. I can't say it helps me. I can recall having been there, I believe, with Constable Scott and possibly - - I don't know who else went with us. It is possible Lamorie did, but I can't swear under oath that I was definitely with these two.

MR. MacKINNON: Q. I suggest the reason this sticks clear in your mind is that this was the first occasion that you had taken Scott to this club, that maybe it was on this

A. Having been there with Hammond Hardy.

Q. And immediately?

A. Yes, it is quite possible, but I can't swear on it definitely. I would say in all human probability it is a fact. I don't know.

MR. MACKINNON: Q. May I ask you that question at this?

A. Yes.

Q. Mr. Allison was asking you this question at this:

"Now, in that case, would there be

"the next week, the discovery of the

"next week, do you recall going to the

"house (?) with Scott and Innocent?

A. Yes, I do."

There was no conversation there, was there?

A. No.

Q. Does that help you any?

A. Not the least.

MR. MACKINNON: Q. Why

A. - No, by Jove. I can't say it helps me. I can vaguely have been there, I believe, with Constable Scott one possibly - - I don't know who else went with us. It is perfectly impossible, and I don't remember that I was definitely with these two.

MR. MACKINNON: Q. I suggest that memory this whole place is your mind in that this was the first occasion that you had been there in this place that day?

occasion that you unbent to tell him just what your interest was in the club. You trusted him then?

A. I didn't say any such thing to Constable Scott.

Q. Once again, it is just a concection of his?

A. Yes, I would say so.

Q. Now, moving forward a few days to May 29th, you have given evidence that you had attempted to call your wife from St. Catharines on this day. Is that correct? I am sorry, May 27th, I think it is. Yes, May 27th, the time you went over to Niagara Falls with Scott and Lamerie?

A. Yes, I recall something about it, as - - -

Q. You have already sworn that you tried to call your wife and you were not successful. The phone was busy. That is correct, isn't it?

A. As I recall, yes, I believe the phone was busy.

Q. You didn't get through to her anyway?

A. No.

Q. If you had got through, I believe there would have been a record of such a call, wouldn't there? It would have been pretty easy to trace?

counsel: Did you attempt to tell the jury that your interest was in the club. You traveled the

A. I didn't say any such thing to Commodore Hyde.

Q. Once again, it is just a correction of fact?

A. Yes, I would say so.

Q. Now, having forward a few days on day three, you have given evidence that you had attempted to call your wife from St. Lawrence on this day. Is that correct?

I am sorry, May 27th, I think it is. Yes, May 27th, who else you went over to discuss Kilby with Brown and Lamontagne?

A. Yes, I visited Lamontagne first, it was - - -

Q. You have already stated that you tried to call your wife and you were not successful. The phone was busy. Was it continuously busy?

A. As I recall, yes, I believe the phone was busy.

Q. You didn't get through to her anyway?

A. No.

Q. If you had got through, I believe there would have been a record of such a call. Wouldn't there? It would have been 1-866-[illegible]

A. I would imagine there is a record, even in the event I didn't - - - -

Q This wasn't a person to person call?

A. No, it wasn't.

Q Why do you think there would be a record?

A. Well, to my knowledge of Bell Telephone operations, when you make a telephone call such as that, a long distance call, they make up a toll slip and at the time I attempted to make the telephone call, the time would be punched, I assume. And assuming the call - - if the call wasn't completed, I would imagine the toll slip would hardly be destroyed.

Q. It would be destroyed?

A. I don't know that.

Q You searched the Bell Telephone records for some number of years, didn't you?

A Yes.

Q. You know what their practice is. It would be destroyed. There would be no need to keep it?

A. Well, it is possible. I don't know.

Q. So that if, as Commissioner Clark and Assistant Commissioner Kennedy have sworn, you stated to them at the time of your interview with them on May 29th, that you had phoned your wife, it would have been pretty easy to have checked up on you and proven it to be a lie if you didn't phone your wife?

A. I would imagine there is a problem, even in the event I didn't - - - -

Q. Did Amoco's policy to remove exits

A. Yes, it would.

Q. Why do you think there would be a problem?

A. Well, to my knowledge of tail [illegible] installation, when you take a telephone call even on that, a long distance call, they make up a toll slip and at the time I attempted to make the telephone call, the line would be jumbled, I assume. And assuming the call - - if the call hasn't completed, I would imagine the toll slip would usually be destroyed.

Q. It would be destroyed?

A. I don't know that.

Q. You mentioned the Bell Telephone research fel[illegible] Bell Telephone, Bell's [illegible]

A. Yes.

Q. You have also stated [illegible] 50. It would be destroyed. There would be no need to keep it?

A. Well, it is possible. I don't know [illegible]

Q. So that if, on Commissioner Crane's questions [illegible] you stated to them at the time of your [illegible] with them on July 8, back you had placed your bills, it would have been perfectly easy to have checked up on you and prove it to be a lie if you didn't have your [illegible]

A. Most definitely.

Q. I suggest to you you realized that afteryou had been interviewed by those gentlemen and that is why you have changed your story to say you tried to phone your wife and you did not succeed?

A. At no time did I tell Commissioner Clark or Assistant Commissioner Kennedy that I had actually contacted my wife in the course of that telephone call. I recall something about them asking me about that telephone call. Certainly I would realize at the time. I wouldn't tell them I had contacted my wife if I hadn't. I recall them saying something about what is the charge or something to that effect on the phone call from St.Catharines to Toronto.

Q. Just in that connection, since you have given your evidence, I think I should put you on your notice as to what Mr. Kennedy swears to. He has been recalled.

A. Yes.

Q So that you will have no illusions about what you are disputing and what you are swearing to and where your oath will take you?

A. Exactly.

Q At page 6214 -- I may say this to you also, Witness, that your friend Lamorie has admitted that certainly Assistant Commissioner

Q. Just briefly.

A. I suggest to you you realized that returning that conversation by phone conflicts with that in my job have personal problems and that if you have trouble in your life you did not succeed.

Q. At no time did I tell conversations or anything without permission, have I? And actually contacted my wife in the course of that interview with. I really remember about them making me about that telephone call. Certainly I would realize at the time. I neither tell them I had contacted my wife if I recall. I recall then saying something about what is the charge or according to that effect in the phone call from Mr. Hoffman to Jerry.

Q. What is that conversation, since you have given your evidence, I think I should put you on your notice as to what Mr. Kennedy says to. He has been recalled.

A. Yes.

Q. So that you will have to be illuminated about what you are disputing and what evidence he has that you will be in your place with him.

A. Exactly.

Q. At page 1076 -- I say say this to you also, witness, that your lawyer Mr. Kennedy has mentioned that certainly Commissioner

Kennedy was taking notes in his presence and he had no illusions about there being notes made of his interview?

A. Yes.

Q. This is what Mr. Kennedy swears to:

"A. They were recorded - - - "

talking about his notes:

"- - - in the presence of Lawrence - - "

that is you:

"and, of course, Lamorie on the following "day, - - -"

Lamorie being the next day:

"- - - and I attempted, as far as "possible, to take down the conversation, "or the gist of the conversation "between the Commissioner and Lawrence. "I endeavoured to get the exact answers, "where possible, but I had to abbreviate."

And then he goes on:

"I marked the paper as of 8:50, and "the date, and marked it Lawrence. "Whether or not I got the very, very "first part of the conversation, I "can't recall, sir, but when the "discussion -- therewas a discussion "about the - - questions asked about "the Earl French Club and I started "my notes at that time, and sometime "after that I made a notation it was "then nine o'clock. I started my

[illegible] was thinking more in his presence and he had no illusions about there being [illegible] of this interview.

A. Yes.

Q. This is what he, Kennedy means that "A. They were recorded - - - "

Laughing [illegible]

"- - - in the presence of witnesses - - "

[illegible]

"and, of course, leaving on the following [illegible]

"Yes, - - -"

[illegible]

"- - - and I acknowledged, as far as "[illegible] to take down the conversation, "or the gist of the conversation "between the Commandant and Lumumba. "I endeavoured to get the exact answers, "where possible, but I had to abbreviate."

[illegible] as follows:

I marked the paper as of [illegible], and "the date, and marked it Lumumba. "[illegible] or not I got the very, very "first part of the conversation, I "don't recall, but when the "[illegible] -- [illegible] a [illegible] "about the - - quantum [illegible] about "the last French Club and I [illegible] "my notes at that time, and [illegible] "after that I made a [illegible] it was "[illegible] I [illegible]

"heading of my paper at 8:50 and
"there was one question the Commissioner
"asked I put in brackets, nine o'clock."
And he produced his notes and the questions
Mr. Wilson asked were:

"Q. Did you take these notes in
"full view of Lawrence?
"A. Yes, sir.
"Q. Could he in any way have failed
"to have seen you taking these notes?
"A. Oh, no, definitely not, sir.
"It was right in my office and he was
"sitting in the room right near the
"desk. He couldn't - - - I can't
"visualize how he could possibly not
"have seen me taking the notes."

That is his evidence; fairly firm, isn't it?

A. Yes, it is.

Q. Do you still swear he could not have taken more than ten words of your interview? You told us that last week?

A. In my estimation, I believe I testified and I say it again. In my ~~estimatiny~~ estimation, I don't believe he could have recorded much in ~~xxx~~ excess of ten words if, indeed, he recorded that. However, if Assistant Commissioner Kennedy swears on oath that he did, I don't doubt the man's word. I can only say I am in error.

Q Then we can rely on his word then?

A. Yes, but I would say this again.

Reading of my paper as given was

"there was one question the Commissioner

"asked I put in brackets, also o'clock."

And he produced his notes and the questions

Mr. Kelly read aloud:

"Q. Did you take these notes in

"full view of witnesses?

"A. Yes, sir.

"Q. Could he in any way have failed

"to have seen you taking those notes?

"A. Oh, no, certainly not, sir.

"It was light in my office and he was

"walking in the room right near the

"desk. He couldn't - - - I don't

"visualize how he could possibly not

"have seen me taking the notes."

That is his evidence; fairly fair, isn't it?

A. Yes, it is.

Q. By you will agree he could not

have taken more than ten words of your testimony?

You read us that last sentence?

A. In my estimation, I believe I

qualified and I say it again. In my estimation,

I don't believe he could have recorded much of

what occurred at that moment, indeed, he recorded

none. However, if Commissioner Kennedy

swears on oath that he did, I don't doubt the

man's word. I can only say I am in error.

Q. Then we can rely on his word when

I say I can only testify as to what my conscience and memory dictates. I cannot completely vacate the thoughts in my mind of what took place during that interview. However, if they swear to that effect, I am obliged to concede I must have been in error.

Q. That is a very interesting admission. I want to narrow it down a little. Towards the end of the interview, the question was put to you:

"Did anyone call to Balsom or Petrochenko?"

And Mr. Kennedy - - and Commissioner Clark supports him on this and swears that you said, and his notes were taken at that time:

I didn't see anyone phone. I phoned "my wife. It cost me forty cents "or it cost forty cents."

Are you going to put yourself on the line on that one, Witness?

A. I can only say this. I don't believe I said that. I can't vacate the thoughts in my mind that I didn't say it. However, if Assistant Commissioner Kennedy says I said that and he is quite certain and Commissioner Clark will testify to the same, I can only believe their observations are more accurate than mine and if I did say it, in fact, I was in error.

Q. Why would you lie tothem about that?

A. I wouldn't lie to them.

I say I can only invite me to be not an immediate and memory director. I cannot conceivably vouch for someone in so what we need been given [illegible] interview. However, if they were to that extent, I am obliged to conclude I must have been in error.

Q. That is a very interesting observation. I want to secure it down a little. Lowrence the one of the interview, the question was put to you:

"Did anyone call to talk to Commissioner Clark and Mr. Kennedy - and Commissioner Clark supports him on this and answers that you said, and his notes were taken at that time:

I didn't see anyone phone. I phoned my wife. It was an hour and a half.

Q. Is that true?

Are you going to put yourself on the line on that one, Mr. Tweed?

A. I can only say this. I don't believe I said that. I can't vacate the impression in my mind that I didn't say it. However, if Assistant Commissioner Kennedy says I said that and he is quite certain and Commissioner Clark will testify to the same, I can only believe that conversation did take place that time and if I did say it, in fact, I was in error.

Q. Why would you lie to them about that?

A. I wouldn't lie to them.

Q. Why would you be in error?

A. Because I might have been confused. However, I am not saying I was. I am saying I might have been. I can't vacate my convictions.

Q. Your convictions are not strong enough for you to so swear under oath in direct contradiction to Kennedy and Clark. Your convictions don't carry you that far. I am right in that, am I?

A. Yes, my sincere convictions do carry me that far. However, I am willing to submit that I might have been in error if they testified to that effect. I am not going to contradict it.

Q. It seems pretty elaborate. Not only don't you tell them you called your wife, you even, to back up your story to show how authentic it was, said it cost forty cents from St. Catharines to Toronto - - - a nice little detail to confirm that?

A. If I did say that, I was perhaps nervous and confused, but certainly I don't recall having said that and I don't believe I did.

Q. Are you nervous and confused now?

A. No, sir. I respect Commissioner Clark's observations and Assistant Commissioner Kennedy's observations. They are confusing to me how they could come by those facts but I can't recall it vaguely.

Q. Why would you be in error?

A. Because I might have been mistaken. However, I am not saying I was. I am saying I didn't see them.

Q. Did you testify that the stones were enough for you to go onto under oath in civil proceedings in Kingston Supreme Court? Do remember that? Were you lying then, or lying in court, or lying now?

A. Now, my answers contradicting Mr. Carey are true. However, I am willing to admit that I might have been in error if they contradicted the other witness. I am not going to contradict it.

Q. If there really dismissed, why didn't you tell them you called your wife? You even, to back up your story to show how confident it was, said it was funny owing from Mr. Chamberlain to Toronto - - - I mean Kingston Gaol to see and on time?

A. - Mr. I did say that, I was pretty nervous and confused, but certainly I don't remember saying that and I don't believe I did.

Q. Are you nervous and confused now?

A. No, sir. I recount Constable Lamontagne's testimony in relation to Kingston Penitentiary. Did you testify to me that they could come by three stops but I don't recall it testify.

Q. It is confusing to me too, witness. I am getting a little clarity at least. Then one other matter they swore to and I want to know whether you absolutely deny it. They haven't suggested they were going over your answers as you have suggested it. They put a question to you in the form you have suggested. They say you stated categorically, "I have never been in the Alpine Club". There is his handwriting?

A. That I specifically deny.

Q. So you are - - -

A. I am certain.

Q. - - specifically denying it although they specifically swear to it?

A. I have to. My convictions tell me I must because I cannot recall it. I am sure I wouldn't say that.

Q. I don't want that kind of answer. I want you to swear positively that you did not say that. Don't give me - - well, I couldn't have said it and my convictions tell me this or that. Did you or did you not say it? I want to hear you say, "I didn't say that". Let me see where your convictions carry you.

A. I feel as though I am sticking my neck out, but I must swear on oath I never said it.

Q. You are saying, "I didn't say that"?

A. Regardless of the consequences, I must say I didn't say that.

Q. You think - - - -

A. I can only testify what my memory and conscience dictates. If I said that, I can't realize why I would say it.

Q. You think you are qualifying your answer now. Is that what you hope to do?

A. No, sir. Qualify my answers?

(Page 6290 follows)

Q. Why go back "to my memory", and saying "my conscience" and what not?

A. I cannot leave the thought I did not say it regardless whether they say I did it. That must be in error. Whether they, or if I did say it, I don't know why, and I haven't the slightest recollection of having said it.

Q. In my notes - -

THE COMMISSIONER: Just a moment. All right.

MR. MacKINNON: I am just wondering, Mr. Commissioner, if this is coming back to a qualified answer. You say you cannot remember saying it?

A. Yes. If I said it I have not the slightest recollection.

Q. There is a possibility that Mr. Kennedy's and Mr. Clark's hearing was quite accurate and that they did hear you say it?

A. I would have to say this, Mr. MacKinnon, in conclusion, that in spite of what Commissioner Clark and Assistant Commissioner Kennedy say, I can only testify to what I honestly believe and that is I definitely did not say it, definitely did not.

Q. There is no question about a faulty memory or anything else in that answer? You did not say it?

A I did not say it. That is correct.

Q. Did you say "in my opinion" and saying "my conscience" and words self?

A. I cannot have the thoughts I did not say in reflections whether they say I did it, that must be in error. Whether they, or if I did say it, I don't know why, and I haven't the slightest recollection of having said it.

Q. In my notes - -

THE COMMISSIONER: Just a moment, Mr. Wright.

MR. MACKINNON: I am just wondering, Mr. Commissioner, if time is coming back to a quasi-judicial matter. Did the Act element mention section 127

A. Yes. If I said it I have not the slightest recollection.

Q. There is a possibility that Mr. Donnelly's and Mr. Klein's involved are quite accurate and that they did have you say 127.

A. I would have to say that, Mr. Mackinnon. In conclusion, that in spite of what Commissioner Klein and Assistant Commissioner Kenney say, I can only testify to what I honestly believe and that is I continually did not say it, definitely did not.

Q. There is no question about a fairly-heavy emphasis that is that section 127 did not say it?

A. I did not say it. That is my recollection.

Q. Fine.

A. Had I said it, I would have readily admitted it. It would be easy - - -

Q. In the notes taken by Assistant Commissioner Kennedy of the interview with you there is direct reference in more than one spot to Joe McDermott. Do you remember discussing Joseph McDermott?

A. No, I don't.

Q. They were asking first of all if you discussed anyone with Scott and Wright and whether Joseph McDermott was discussed. Does that help your memory?

A. No, it does not. I remember them asking me about the incident in my car, the conversation in my car, and I cannot specifically recall that they said anything about McDermott.

Q. You said you told them you knew McDermott?

A. Told who?

Q. You?

A. I certainly knew who they were.

Q. I seen him once and I know where he lives?

A. It is possible. I do know.

Q. You were discussing McDermott?

A. It is possible. But I don't recall it.

Q. You would recall it within the

Q. Often.

A. But I mean it, I would have really admitted it. It would be easy - - -

Q. In the same house or in similar circumstances without of the attorney who there is direct reference to have been done on the hearing. Do you understand Hansard Hutchinson?

A. No, I don't.

Q. They were making plans of all if you [illegible] [illegible] and [illegible] and [illegible]. Does that help your memory?

A. No, it does not. I remember then making me about the business in my car, the conversations in my car, and I remember specifically recall that they made anything about [illegible].

Q. You said you told them you knew [illegible]?

A. - Yes, sir.

Q. Yes.

A. I certainly knew you [illegible].

Q. I mean him even and I know nothing on [illegible]?

A. It is possible. I do know.

Q. Did Hutchinson Hutchinson?

A. It is possible. And I don't recall it.

Q. You would recall it without [illegible]

day. If you had discussed Joe McDermott on May the 29th, that would be in your mind for that day at least?

A. I would think it would be in my mind a greater length of time than that.

Q. I would have thought so, too. I put it to you, do you say that they mentioned Joseph McDermott, as appears from these notes, that once you did not get in touch with them?

A No, I don't recall.

Q. Your anxiety was with Balsom and not McDermott?

A. May I ask you if these are the notes made during the interview. How many pages are there, Mr. MacKinnon?

Q. One, two, three, four, five. A little more than ten words?

A. I have got to say this under oath and follow my convictions again. I don't believe Assistant Commissioner Kennedy made the extent of these notes in our interview.

Q. He put the time on them, 8:50 a.m.?

A. Unless I am confused and taken up, I don't recall him doing that. If Assistant Commissioner Kennedy swore under oath that he took all these notes while I was in the office and during the interview we had.

Q. That is what he states. He put nine o'clock on them when you reached nine o'clock?

A. It is very confusing to me.

day. If you had discussed the documents on May the 20th, what would be in your mind now that day as lawyer?

A. I would think it would be in my mind made a grievous lapsed of time since then that.

Q. I would say [illegible] is. Now, I put it to you, do you say that they [illegible] [illegible], or anyone else [illegible] that one of you had got in touch with Henry [illegible]

A. No. I don't recall.

Q. Had [illegible] [illegible] and [illegible]?

A. Why I can not if those are the notes made during the interview. [illegible] [illegible]

Q. Now, [illegible] [illegible]. A little more than ten months?

A. I have got to say this cause such and follow my convictions again. I don't [illegible] [illegible] [illegible] the extent of those notes in our interview.

Q. Do you [illegible] on them, Sir? M.C.A.?

A. Unless I am confused and [illegible] up, I don't recall [illegible] doing [illegible]. If [illegible] [illegible] [illegible] such that on [illegible] all those notes while I was in the office and during the interview we had.

Q. [illegible] in what to protect. Do you [illegible] o'clock on them when you received [illegible] o'clock?

A. It is very confusing to me.

Q. I don't think you are confused, witness.

A. Yes, I am, as, to the very best of my knowledge and memory, he took very few words down.

Q. Now, I would ask you about these notes and the statement that you attempted to call your wife. This is the evidence you have given us here under oath?

A. Yes.

Q. When did you get through to your wife?

A. I did not.

Q. Why didn't you?

A. I intended to later on, but it seemed to me so busy we left there and went to a betting establishment in Niagara Falls and another one in the area of Fort Erie.

Q. Well, this was not a night-time trip, was it? You left early in the morning?

A. I don't recall exactly when we did leave. I would think it would be in the neighbourhood of ten o'clock in the morning, although I don't recall exactly.

Q. And it was in the morning on your way through to Niagara Falls that you stopped off at St.Catharines where you made this alleged attempt to call your wife? Would that be right?

A. Yes, I believe we were checking

the telephone records in St.Catharines prior to conducting this proceeding this morning.

Q. You were not checking the telephone ~~s~~ records?

A. I was in the office.

Q. It was a Lamorie and Scott checking the records. You were doing the phoning?

A. I swear I was in the office.

Q. Were you checking records?

A. I believe I was for a short period.

Q And then you went to the phone?

A Yes

Q. And it was on that occasion you tried to call your wife?

A. Yes, as I recall. I don't know if I actually intended to phone my wife when I went out.

Q. You already swore you did?

A. Oh, yes, but whether I actually intended to after I had been inside assisting other officers in checking the records - - I went outside, possibly, to get some fresh air., or something and in the course of being out there decided to phone my wife.

Q. You said it was fairly important that as you had not told her you were going there and wanted to let her know?

A. That is my recollection.

Q Why didn't you try to call her again?

the salaries paid in Philadelphia prior to taking such procedure that seemingly.

Q. You were not checking the telephone?

A. I was in the office.

Q. It was a leisurely and fairly convenient procedure. You were doing the phone?

A. I guess I was in the office.

Q. Then you checking everyday?

A. I believe I was for a short [illegible].

Q. And then you went to the phone?

A. Yes.

Q. And it was on that occasion you [illegible] to call your wife?

A. Yes, as I recall. I don't know if I actually intended to phone my wife when I went out.

Q. You already knew you did?

A. Oh, yes, but whether I actually intended to which I had been in the meantime, other offices in checking the records - - I went outside, possibly, to get some fresh air, or something and in the course of being out there decided to phone my wife.

Q. You said it was fairly important that as you had met that day you were going there and wanted to let her know?

A. That is my recollection.

A. I cannot say, other than the fact that we were busy and - - - I never thought of it.

Q. Now, just one general question. I would like to know whether you ever mentioned to anyone else on the Force this so-called intention of resigning, apart from your friend, Lamerie. Did you ever mention it to anybody else?

A Prior to - - - -

Q. Prior to resigning?

A And during thetime I was a member of the Provincial Police?

Q. That is right.

A. No, but I believe I did mention I was considering putting in for a transfer. I don't know. Possibly.

Q. Transfer to some other type of work in some other area?

A. Possibly, yes.

Q. That is rather strange. I thought your objection was you did not want to be transferred?

A Part of it. But the fact is when you apply for a transfer, there was an area there where you would be given some choice as to where you might like to go, but being transferred - - -

Q. Where did you want to go?

A After having been suspended,

A. I cannot say, other than the last time we were busy and - - - I never thought of it.

Q. Was just not mentally interested.

I think like in some matters you were mentioned to anyone else on the Texas this re-election intention of resignation, apart from your friend, Lawrence. Did you ever mention it to anybody else?

A. Prior to - - - -

Q. Prior to resignation?

A. And during meetings I was a member of the Presidential Policy.

Q. What is that?

A. No, but I believe I did mention I was considering putting in for a transfer. I don't know. Possibly.

Q. Transfer to some other type of work in some other area?

A. Possibly, yes.

Q. What is normal tenure. I thought your re-election was you did not want to be treated normal?

A. Most of it. But the work is also very high for a scientist, there are some things where you would be given more choice as to where you might like to go, but many being transferred - - -

Q. Where did you want to go?

A. After having been successful,

I am sure they would give you no choice, and you would be put in an area - - -

Q. What area would you like to go to? Peterborough?

A. No, Huntsville-Bracebridge area.

Q. Had you made any such request?

A. No.

Q. Do you know Inspector Stringer?

A. No.

Q. Never met him?

A. Not to my knowledge.

Q. Ever spoken to him?

A. Not to my knowledge.

Q. Now, coming down to the day of your suspension, that was on May the 29th?

A. Yes.

Q. Now, we have now heard from Mr. Lamorie that you telephoned him at Crystal Beach. Is that correct?

A. I believe it is. Yes, I believe it is.

Q. Why didn't you tell us that when giving evidence originally? You just said you tried to get him at his home in Toronto?

A. Yes, I did try to get him at his home in Toronto, and he was not home, and, as I recall, I believe I did place a telephone call to his father's home in Crystal Beach.

Q. This was a pretty urgent matter for

I am sure they would give you an option, and you would be put in an area - - -

Q. What area would you like to go to? Jacksonville?

A. Yes, Jacksonville-Gainesville area.

Q. Did you make any such request?

A. No.

Q. Do you know Innocent Sidwayer?

A. No.

Q. Never met him?

A. Not to my knowledge.

Q. Never spoken to him?

A. Not to my knowledge.

Q. Now, coming down to the day at your housewarming, did you do the cooking?

A. Yes.

Q. Now, no more use beans from Mr. Andrews that you telephoned him at Leonard Jones. Is that correct?

A I believe it is. Yes, I believe it is.

Q. Why didn't you tell us that when giving testimony originally? You just said you talked to you also of his home in Tuscaloosa?

A Yes, I did try to get him at his home in Tuscaloosa, and he was not home, and, as I recall, I believe I did place a telephone call to the Tucker's home in Cardwell Haven.

Q. Also was a phony alibi request for

you, was it? You were not all that relaxed as you have told us about?

A. Not critically urgent. I will say this - - -

Q. You told Lamorie to come right over. He came right over as the result of your phone call?

A. What was that?

Q. He came right over as the result of your phone call?

A. No, He said he was coming home that evening, and he would talk to me when he got home.

Q. If he said he came over immediately as the result of your telephone call, that is not correct? Is that your evidence?

A. I believe it was quite later that evening, when I did speak to him. Or, it mm could have been. He might have come directly over. I don't know. I would say prior to my suspension Constable Lamorie had told me that during the last occasion he was at the Alpine Club he thought he had seen a rake-off.

Q. Oh. I will be coming to that witness, the business of what Lamorie has told us and what he says you must have seen. But, in any event, Lamorie has also told us that the reason for him coming over, and the reason for you phoning him, was because it was said you

Q. Did you see Lucrezia Lawrence as you have told us about?

A. Yes, positively saw. I will say this - - -

Q. You told Lucrezia to come right over. Did you telephone to the family of your place?

A. What was about?

Q. He came right over as the result of your phone call?

A. No, he said he was coming home that evening, and he would talk to me when he got home.

Q. If he said he came over immediately as the result of your telephone call, that is not correct? Is that your evidence?

A. I believe it was quite later that evening, when I did speak to him. Oh, it we could have been. He might have come already. I don't know. I didn't see [illegible] Lucrezia Lawrence and told me that during the last conversation he was at the Alpine Club he thought he had seen a mule-off.

Q. Oh. I will be coming to that witness, the business of what Lucrezia was [illegible] but, in any event, Lucrezia had going back to this issues for him coming over, and the reason [illegible]

people had something to do with the gamblers, being Feeley, McDermott and Balsom?

A. I did not mention that to him on the telephone.

Q. That was the important thing, dealing with gamblers, and you named them?

A No, the important thing was the fact we had been at the Alpine Club, when, apparently, according to Constable Lamorie, in his opinion he thought there was a rake-off.

Q. So far as Lamorie's evidence is concerned, you never mentioned the Alpine Club?

A. During that telephone call?

Q. During that telephone call. Is that a possibility?

A. No, I don't believe it is a possibility. I believe I mentioned it.

Q. You must have mentioned it, on your story, as that was really the important thing, the fact that you had been to the Alpine Club and played poker there?

A. Yes. It seems to me I mentioned it to him on the telephone on that occasion.

Q. You would have mentioned it ahead of McDermott, Feeley and Balsom, wouldn't you?

A. Yes.

Q. If you mentioned McDermott, Feeley and Balsom, was the only subject mentioned,

and this was the only subject concerning you, you would say he was wrong?

A. I would say the subject matter concerning me was the fact we had been to the Alpine Club and played cards, and Commissioner Clark had mentioned various gamblers, and the inference was, in my mind, he seemed to have thoughts either myself or Lamorie had been doing illegal business with them. I might have mentioned all this to Lamorie at the time I phoned him.

Q. Now, are you telling us that Lamorie was mentioned in this interview with Assistant Commissioner Kennedy and Commissioner Clark?

A. To the best of my recollection, he was, but inasmuch as he mentioned the Alpine Club, if they had not mentioned it, I would infer they knew he was there, too.

Q. You said all the members of the Branch had been there?

A. To the best of my knowledge.

Q. And yet you took the trouble to phone Lamorie long distance although he was only one member. A member of the branch at this club?

A. That is right, and I also phoned Constable Scott. Had I the numbers of the other members, I feel I would have phoned them, too.

[illegible] was the only payment expected you, you would say he was wrong?

Q. I think my too helpful nature concerning me was the fact we had been to the Aquino club and played cards, and [illegible] [illegible] had conducted various problems, and the introduce him, in my mind, is meant to have thought either myself or Jacquie had been doing illegal business with them. I might have mentioned all this to Lawrie at the time I phoned him.

Q. Now, are you telling us that Lawrie was mentioned in this interview with Assistant Commissioner Hanley and Superintendent Flynn?

A. To the best of my recollection, he was, but I cannot be positive the figure club, if they had not mentioned it, I would have put them in as well there, too.

Q. You said all the members of the Aquino had been [illegible]?

A. To the best of my knowledge.

Q. And yet you took the trouble to phone Lawrie long distance although he was only one member. A member of the branch of Ralph's?

A. That is right, and I also phoned Constable Scott. Had I the numbers of the other members, I feel I would have phoned them.

Q. Now, with regard to your resignation and your discussion with Humphrey, you have sworn positively under oath that Humphrey did not advise you to resign, and had nothing to do with that. Is that correct?

A. Yes, to the best of my memory, I don't believe Mr. Humphrey did counsel us one to the other, on that question.

Q. Well, in reply to questions put to you by the Commissioner you swore very affirmatively that he did not counsel you to resign?

A. I don't believe he did, no.

THE COMMISSIONER: Have you got the subpoena that was served on you?

A. No, my lord, I have not.

MR. MacKINNON: Q. Now, in that connection, we have heard from Mr. Lamorie, and perhaps I had better read you that - - -

A. I recall having read something in the paper last week with regard to Constable Lamorie's evidence, and, I believe, if the newspaper articles are correct which I would not say they too often are, he said something to the effect that himself, Mr. Humphrey and myself had discussed the issue generally, or something to that effect, and we came to the decision it would be the best thing to resign. This is not the case if,

Q. Then, with regard to your relationship and your discussion with Humphrey, you have again positively under oath that Humphrey did not advise you to resign, and had nothing to do with it. Is that correct?

A. Yes, to the best of my memory.

I don't believe Mr. Humphrey did mention it one to the other, on that occasion.

Q. Well, in reply to questions put to you by the Commissioner you swore very affirmatively that he did not counsel you to resign.

A. I don't believe he did, no.

THE COMMISSIONER: Have you got the suspense that was served on you?

A. No, my Lord, I have not.

MR. BRISTOW: Q. Now, at that interview, or into Jamal Pasha, Mr. Murphy, or perhaps I had better read you that - - -

A. I recall saying that something in the paper that was with regard to Mr. Murphy's resignation, but, I believe, if the newspaper articles are correct which I would not say they too often are, he said something to the effect, you know, Mr. Murphy, and myself had discussed the issue generally, or something to that effect, and we came to the decision it would be the best thing to resign. This is not the same it,

in fact, Constable Lamorie did say that. It conflicts with my memory of the incidents.

Q. Could he be correct in stating that Humphrey did counsel you to resign?

A. No, I would be inclined to say he was not correct.

Q. Well, he is not telling us the truth, in other words?

A. I don't know of any reason why Constable Lamorie would lie to you. In fact, I don't believe he did.

Q. No, I don't believe he did on this point either.

A. I believe he was confused, and my memory is to the effect that - - - I don't recall having mentioned it to Mr. Humphrey. We might have, but Mr. Humphrey went out of his office or went to see somebody and in the absence, I wrote out my resignation and Constable Lamorie did likewise.

Q. Did Mr. Humphrey counsel you against resigning?

A. No.

Q. You are sure of that anyway?

A. Yes.

Q. He did not tell you it would be wise not to resign?

A. No, I don't thinkkkkkkk I would accept anybody else's opinion. Even Mr. Humphrey's. I don't think I would take his opinion and follow their advice on that matter.

in fact, Generale Lawrence did say that.

[illegible] of the Statement.

A. Would he be assumed in stating that Humphrey had counsel you to testify?

A. No, I would be inclined to say he was not correct.

Q. Well, he is not telling us this again, is what matter?

A. I don't know of any reason why Generale Lawrence would lie to you. In fact, I don't believe he did.

Q. No, I don't believe he did on that point either.

A. I believe he was confused, and my answer is to the effect that - - - I don't recall having mentioned it to Mr. Humphrey.

Q. Right then, the Humphrey talk had to have either been or seem to see necessary and in consequence, I would not be exploiting the Generale Lawrence the interview.

Q. Did Mr. Humphrey counsel you against testifying?

A. No.

Q. Was each aware of that language?

A. Yes.

Q. He did not tell you it would be wise not to testify?

A. No, I don't remember I would accept Humphrey's question. Even if Humphrey's. I don't think I would take his

Q. Well, you were going to him for some reason, weren't you?

A. Yes.

Q. But it wasn't advice as to whether you would or would not resign?

A. No. It is possible I might have been interested in his opinion on that particular point, but I don't recall him having passed the opinion, and I certainly would not have acted on the opinion.

Q. With regard to your speaking to Constable Lamerie on this Sunday, and page 6000:

"A. I spoke to Constable Lamerie,
"I believe, that same night. I think
"I called him at his home that same
"night.
"THE COMMISSIONER: Q. Do you
"remember that?
"A. Yes, I mentioned it to him,
"vaguely.
"Q. Yes?
"A. I remember something about it,
"I believe it was the same night."
"~~If it was at the same night it was~~
"~~the~~

MR. MacKINNON: Q. Has Lamerie's evidence refreshed your recollection as to calling him that day long distance?

A On a Sunday, yes, I called him

Q. Well, you were going to him for some reason, weren't you?

A. Yes.

Q. But it wasn't advice as to whether you would or would not resign?

A. No. It is possible I might have been interested in his opinion on that particular point, but I don't recall the matter passed the opinion, and I certainly would not have acted on the opinion.

Q. With regard to your speaking to Commissioner Simons on that Monday, did you stay:

"A. I stood by Commissioner Simons.

"I believe, that same night. I think I called him at his home that same night.

"Q. Do you remember that?

"A. Yes, I remembered it to him.

"Q. Really.

"Q. Just?

"A. I remember remembering about it.

"I believe it was the same night."

[illegible]

"Q. Now Lawrence's evidence contradicts your recollection as to calling him that day long distance?

A. On a number, yes, I called him

long distance, and called him that evening. He may have said he would be home that evening, and I called him at his home.

Q. You went over to see Humphrey that evening, the two of you together?

A. Yes.

Q. Where did you meet? Whose home?

A. I don't really know. I believe Lamarie drove down to my house.

Q. Did you discuss matters at your house before you left to see Humphrey?

A. Yes, I believe we did, briefly.

Q And by that time you had made the appointment with Humphrey?

A. I am not at all certain with that. I think it was later on.

Q After you had sat down and discussed things with Lamarie?

A. I believe so.

Q. At this time you stated to Mr. Wilson that you had an unlisted number and your excuse was you did not want the gamblers to get your number?

A. Primarily, yes.

Q. Why were you worrying about gamblers getting the number?

A. Well, it seems to me I heard Sergeant Anderson mention sometime prior to my

being married and having got a telephone, the gamblers used to phone him up on occasion and phone different members of the Branch. Something like that. That was, primarily, my thought in mind anyway. I think my thought in mind was more to keep them from knowing where I lived rather than having them phoning.

Q. Why did you think they would be particularly interested in you? The other members of the Anti-Gambling Squad did not have unlisted numbers?

A. No.

Q. Why would you be favoured?

A. I did not think I was favoured. I was exercising a precaution. That is all.

Q. You thought they might think you and easy mark. Is that it?

A. No, sir, I had no thoughts on that line, at all.

Q. But you said your reason for the unlisted number was so that the gamblers would not find you?

A. Yes, I did think everyone should have taken the same precaution and had an unlisted phone.

Q. Apparently, they did find you?

A. Yes. Now, it is more than likely it is them, but somebody phoned me at my home and offered me a job.

Q. And they knew who you were?

A. Yes. They knew I had been working as a flying instructor previously.

Q. When was this mystery phone call? You say you believe it was from Joseph McDermott?

A. I should not exactly say that. I have nothing to establish it, but it is my belief.

Q. You did not discuss this phone call with Joseph McDermott when you next saw him?

A. I did not.

Q. When was it?

A. I would say it was during the month of April or May, 1960.

Q. Oh?

A. Possibly April.

Q. You are sure that you were not concerned at that time that maybe there would be a record of this phone call, that the police might find out about, and you would have a good story?

A. I was not slightly concerned they would find out about it. I volunteered the information to Sergeant Anderson.

Q. In May 1960?

A. Around about that time. It could have been April or May.

Q. And you say it was about eleven

Q. Do you know the city jail?

A. Yes. Long when I had been working as a living, the jailer previously.

Q. Now you have mentioned phone calls. Did you telephone it was Vice Admiral Kimmel?

A. I should not emphatically say that. I have nothing to contradict it, but it is my belief.

Q. You did not discuss this phone call with Admiral Kimmel when you went on duty?

A. I did not.

Q. Then?

A. I would say it was during the course of April or May, 1941.

Q. Why?

A. Practically daily.

Q. Was it then that you had had conversation in that time that began those words as a result of this phone call, that the police might film our house, and you really have a good story?

A. I was not slightly concerned that would film our house it. I volunteered the information to Colonel Bonner.

Q. Did you say?

A. Around about June time. It could have been April or May.

Q. Then you say it was some time

o'clock at night?

A. Yes, just before we were going to conduct a raid at the Cooksville Club, if I recall correctly. I think it was the same evening. Sergeant Anderson was to pick me up about ~~minus~~ 11:00. It was about eleven o'clock, the phone call.

Q. It was made before the warrant?

A. I think it was the same, yes.

C/A

Q. And did it ~~happen~~ appear on that raid that the Cooksville Club were aware that the raid was going to be made?

A. No, I would say on any occasion we raided the Cooksville Club it was not apparent they expected it.

Q. You did not think it enough to warrant a prosecution on that? That is apparent?

A. No, but I secured some very interesting observations which are in a report of mine I previously requested.

Q. You have also told me you have been to Humphrey's home on two occasions and we have been able now to localize one of them as being Sunday evening?

A. Yes.

Q. When was the other?

A. I believe it was sometime during the summer or spring of 1961.

o'clock or so.

A. Yes, just before we were going to conduct a raid at the Conbroville Club, it would seemingly [illegible] the [illegible] building. Original instructions was to pick up as many persons [illegible]. My men finally started [illegible] the house [illegible].

Q. Is you sure before the [illegible]?

A. I think it was the same, yes.

Q. [illegible] that the Conbroville Club were aware that the raid was going to be made?

A. No, I would say on my connection we raided the Conbroville Club it was not apparent they expected it.

Q. You did not think it enough to warrant a prosecution or trial? That is [illegible]?

A. No, not I personal [illegible] [illegible] report of mine I practically recommended.

Q. You have also told me you have gone to Conbrovil's Hall or the building [illegible] we have been going now to investigate one of them on being Sunday evening?

A. Yes.

Q. When was [illegible]

A. I believe it was somewhere during the summer or spring of 1940.

Q. Of 1961?

A. I believe so.

Q Was this during the preliminary hearing of - - -

A. Feeley and McDermott?

Q. And Wright?

A. It could have been. I don't know.

Q Did he invite you to come up to his home on that occasion?

A. Yes, after I telephoned.

Q. What were you going to see him about on that occasion?

A. As I recall, it was to discuss the events that had previously taken place and accusations that had been made and the resulting possibilities of my bringing legal suit against persons perhaps involved and any malicious - - -

Q. Was it after this visit, which seems to be approximately the same time that you went to see Gordon Ecclestone?

A. Yes, I believe Mr. Humphrey had said something to the effect that, in his opinion, he did not really think he could represent us, because he was representing Feeley and McDermott. I believe that was his reason. However, I am not certain. And it was after that, I believe, that I decided to see a lawyer.

Q. Mr Smith?

A. I objected.

Q. Was this during the preliminary hearing of - - -

A. Pretrial and Motionwise?

Q. Yes Sir?

A. It could have been. I guess so.

Q. Did he invite you to come up to his home on that occasion?

A. Yes, sir; I remembered.

Q. What were you going to see him about on that occasion?

A. As I recall, it was to discuss the status that had previously taken place and conversations that had been made and the travelling possibilities of my bringing legal suit against various parties involved and any violations - - -

Q. Was it after this visit, which seems to be approximately the same time that you went to see Senator Montgomery?

A. Yes, I believe so. Congressman said something to the effect that, in his opinion, he did not really think he could accomplish, because of the legislative history and background. I believe that was the reason. However, I am not certain. And it was after that, I believe, that I decided to see a lawyer.

Q. Was Lamorie out at the house, Humphrey's house on this occasion?

A. Yes.

Q. He was out, too?

A. Yes, he was. It was after that I decided to see a lawyer, a completely outside source, that had no connections.

Q. Well, you have sworn once again and clearly and carefully in reply to questions put to you by the Commissioner, that it was not Humphrey, that Humphrey had nothing to do with sending you to Ecclestone?

A. To my knowledge, he did not. To my recollection he might have mentioned a number of lawyers, but, specifically, I cannot remember whether he mentioned Ecclestone or not.

Q. Let me read you the evidence. Page 6104, line 15:

"THE COMMISSIONER: Are you sure it wasn't Humphrey suggested you go to Ecclestone?

A. Yes, I am sure of it.

Q. You are positive of that?

A. Yes, I am positive.

Q. You pledge your oath on it?

A. I pledge my oath on it."

THE WITNESS: Yes.

Q. That is pretty clear?

A. Yes, it is.

Q. Was Jones out at the house, Dougherty's house on this occasion?

A. Yes.

Q. He was not, then?

A. Yes, he was. It was after this I decided to see a lawyer, a completely outside person, that had no connections.

Q. Well, you have swum once again and clearly and carefully in reply to questions put to you by the Commissioner, that it was not Dougherty, that Dougherty had nothing to do with sending you to Jonesboro?

A. To my knowledge, he did not. In my recollection he might have mentioned a name or names, but specifically, I cannot remember anything the mentioned Dougherty or

Q. Let us read you the evidence. Page eight, line 15:

"THE COMMISSIONER: Are you sure it wasn't Dougherty suggested you go to Jonesboro?

A. Yes, I am sure of it.

Q. Are you positive of that?

A. Yes, I am positive.

Q. You choke your oath on it?

A. I place my oath on it."

THE WITNESS: Yes.

Q. That is pretty clear?

A. Yes, it is.

Q. And Humphrey could not have got it any clearer from you?

A. That is right.

Q. And we have had Mr. Lamorie swear that it was Humphrey that sent you both to Eccelstone. Is Lamorie swearing falsely under oath?

A. No. I would be inclined to say that if Mr. Humphrey suggested Eccelstone to Lamorie I never heard it, and I believe it was on my iniative moreso than Eccelstone that -- moreso than Lamorie's that we go to Eccelstone.

Q. He has sworn it was on Humphrey's iniative that you both went.

A. That is not the case. Definitely not the case.

Q. And you still stick to the extraordinary story you still wanted to give somebody an affidavit?

A. Yes, I would want my testimony to be known.

Q. And because Humphrey was acting for Feeley and McDermott you gave him this affidavit although he had been acting for you. That is correct, is it? That is your reason for leaving him?

A. No, I am not entirely certain that the affidavit was mentioned to Mr. Humphrey.

Q. No, but that was in your mind.

Q. And Dunsmuir could not have put it any clearer from you?

A. That is right.

Q. And we have had Mr. Lawrence answer that it was Dunsmuir that sent you back to Montreal. Is Lawrence lying?

A. No. I would be inclined to say that Mr. Dunsmuir suggested Montreal to Lawrence I never heard it, and I believe it was on my instance rather than Montreal that -- except that Lawrence's time is up to Dunsmuir.

Q. Do you know it was on Dunsmuir's instance that you both went?

A. That is not the case. Particularly not that case.

Q. And you will stick to the evidence where you shall return in your examination-in-chief?

A. Yes. I would wish my testimony to be taken.

Q. And Dunsmuir Dunsmuir was acting for Pooley and Dunsmuir you gave him this affidavit although he had been acting for you. That is correct, is it? Then is your answer for Lawrence?

A. No. I am not positively certain that the affidavit was produced to Mr. Lawrence.

Q. No, but that was Mr. your claim.

Isn't that the reason you left Mr. Humphrey, or, as the Commissioner asked you last day, why didn't you give him this affidavit?

A. Give who?

Q. Humphrey?

A. Well, as I say, I wanted to go to a completely outside source, and I believe at the time, the last time I saw Mr. Humphrey I don't recall speaking to him specifically with regard to an affidavit.

Q. I would like my question answered. Did you leave Humphrey, as, apparently, you haven't left him yet, as you haven't paid his bill --

A. Yes.

Q. Did you leave Humphrey for this particular matter because he was acting for Feeley and McDermott and it would not be proper for him to have the affidavit?

A. No.

Q. Why didn't you give it to him?

A. Because -- I don't know -- because I decided an outside source, I would like to go to an outside source and have my dealings with him.

Q. Outside what?

A. Having nothing to do with accused persons or representing them in any way.

Q. You did not have that hesitation

That's what the [illegible] Lab-Dr. Shepherdson, or, as the Commissioner stated you last day, didn't you give him this affidavit?

A. Yes sir.

Q. Correct?

A. Well, as I say, I wanted to go on a conspiracy outside course, and I believe at the time, the last time I saw Dr. Shepherdson I really [illegible] to his knowledge.

Q. I would like to question [illegible] Dr. Shepherdson, but you [illegible] statement's just like you, as you [illegible] said —

A. Yes.

Q. Did you [illegible] that particular matter because to see anything from [illegible] and it would not be proper for that to have the affidavit?

A. No.

Q. Was that's you gave it to him?

A. Somehow — I don't know — because I produced an outside person, I would like to go to an outside person and have my [illegible] with him.

Q. Without what?

A. Having nothing to do with [illegible] or [illegible] than in any way.

Q. You did not know that [illegible]

in going to Rose, did you?

A. No, I did not.

Q. How do you explain the difference in procedure? Once you said you went to Rose because he was acting for Feeley and McDermott, and then to Eccelstone and he was not.

A. That is true. I thought I should have my own counsel. I felt I should have at least some counsel who was in no way associated with this case or persons, and that is why I went to Mr. Eccelstone.

(Page 6315 follows).

Q. And you saw him for a half an hour, according to your evidence?

A. Yes, approximately long enough.

Q. Yes, long enough to draft the affidavit, and you did not see him again?

A. I went back to sign the affidavit.

Q. The same day?

A. I believe itwas the next day, I don't recall.

Q. And you and Lamorie went back again, together?

A. Yes.

Q. Did Lamorie stay at your place overnight on that occasion?

A Not that I recall. He might have.

Q. When you went back together, I take it that was just for the purpose of swearing the affidavit, and you completed the affidavit and left, is that xxx right?

A. Yes, according to my recollection.

Q. And you didn't see Ecclestone again?

A. I didn't see Mr. Ecclestone?

Q. This half hour on one occasion - - well, how long after this visit?

A. I would say I saw Mr. Ecclestone approximately two months ago; two or three months ago.

Q. And you saw him for a half an hour, according to your evidence?

A. Yes, I saw him for a half an hour.

Q. Long enough to draft the affidavit, and you did not see him again?

A. I went back to sign the affidavit.

Q. The same day?

A. I believe that the same day.

I don't recall.

Q. And you and Amarillo went back together, remember?

A. Yes.

Q. Did Lorenzo stay at your place overnight on that occasion?

A. Not that I recall. He might have.

Q. When you went back together, I take it that was just for the purpose of executing the affidavit, and you completed the affidavit and left, is that the right?

A. Yes, according to my recollection.

Q. And you didn't see Lorenzo again?

A. I didn't see Mr. Hernandez

Q. Some half hour or one occasion - - that, the day after was really

A. I would say I saw Mr. Hernandez approximately two months ago; two or three months ago.

Q. Since this Commission has started?

A. No, I am not certain of that.

Q. Were you trying to get him to arrange an interview with McDermott for you?

A. No, certainly not.

THE COMMISSIONER: Q. Was this after you had the subpoena?

A. Yes, I believe it was, my lord.

Q. By the way, had you been subpoenaed when you saw McDermott?

A. I am not certain, but I think I was subpoenaed approximately towards the middle of April or the end of April. I couldn't swear as to whether I was or not at that time.

Q. Do you understand my question?

A. Yes, I do, my lord.

Q How do you understand it?

A. You asked me if I was subpoenaed at the time I spoke to Mr. McDermott.

Q. Yes?

A. Yes.

Q. What is your answer.

A. My answer was, I am not entirely certain as to whether I was or not.

Q Is your memory as good today as it was the last time you were here?

A. Yes, sir.

Q. Do you remember what you said then?

Q. Have you discussed the contract

A. Yes, I do not recollect at that.

Q. Were you trying to get him to

arrange an interview with Monsanto for you?

A. No, certainly not.

THE COMMISSIONER: Q. Was this after

you had the conversation?

A. Yes, I believe it was, my lord.

Q. By the way, had you been

interrupted when you saw Salomonsky?

A. I am not certain, but I think

I was interrupted immediately towards the start

of talking to the end of April. I certainly spoke

to him

whether I was or not at that time.

Q. Do you understand my question?

A. Yes, I do, my lord.

Q. How do you understand it?

A. You asked me if I was subpoenaed

to give this I guess to my, Salomonsky.

Q. Yes?

A. Yes.

Q. What is your answer.

A. My answer was, I am not certain

certain as to whether I was or not.

Q. In your memory is good today

as it was the last time you were here?

A. Yes, sir.

Q. Do you remember seeing the

[illegible]

A. No, sir. I would imagine I would have said the same thing, but I am not entirely certain. However, I believe I might have been.

Q. What?

A. I believe I might have been.

Q Might have been what?

A. Subpoenaed at that time; I am not certain.

THE COMMISSIONER: Mr. Reporter, would you read back the answer of two or three questions ago which started with "by the way".

THE REPORTER: (reading)

"Q. By the way, had you been "subpoenaed when you saw McDermott?

"A. I am not certain, but I think "I was subpoenaed approximately towards "the middle of April or the end of "April. I couldn't swear as to whether "I was or not at that time."

THE COMMISSIONER: Q. Is that right?

A Yes, my lord.

Q Do you remember what you said when you were in the witness box last and were asked the same question?

A No, my lord, I don't.

Q You said you had been subpoenaed and having been subpoenaed, you went to see McDermott?

A. Oh, also. I would imagine I would have said the same thing, but I am not entirely certain. However, I believe I might have done.

Q What?

A I believe I might have done.

Q Might have done what?

A. [illegible] [illegible] I am not certain.

THE CHAIRMAN: Mr. Lawrence, would you read back the answer of Mr. [illegible] [illegible] with "by the way".

THE REPORTER: [reading]

"Q. By the way, had you been "interrupted when you was [illegible]?

"A. I am not certain, but I think "I was interrupted approximately twenty "the middle of April or the end of "April. I couldn't swear as to whether "I was or not at that time."

THE CHAIRMAN: Q. Is that right?

A Yes, my lord.

Q Do you remember what you said when you were in the witness box last and were asked the same question?

A Oh, my lord, I don't.

Q You said you had been interrupted and having been interrupted, you went to see somebody?

A. That isn't the reason I went to see McDermott, my lord.

Q. No?

A. No.

Q. All right.

MR. MacKINNON: Q. The subpoena had nothing to do with your going to see McDermott?

A. Directly, no, I would say it didn't.

THE COMMISSIONER: Q. Then why did you go to see McDermott?

A. I went to see him to determine whether Mr. McDermott had carried any lies or conversations of any nature that would tend to implicate me in something illegal. I was wondering whether he had been carrying stories or bragging or something to that effect.

MR. MacKINNON: Q. You knew about that at least a year before because you had gone to Ecclestone to swear an affidavit that had nothing to do with Feeley and McDermott?

A. I had.

Q. You swore an affidavit to that effect?

A. That's correct.

Q. You knew all about these stories?

A. I knew my side of the stories.

Q. Why did you wait or Lamorie wait to go and see - - why did you want, or Lamorie want,

to go and see McDermott?

A. Well, as a matter of fact, I believe I had made requests earlier to Mr. Humphrey to speak to McDermott.

THE COMMISSIONER: Q. When?

A. I don't recall, my lord.

Q. As a matter of fact, you believe you had?

A. Yes.

Q. I am asking you when?

A. During the previous year some time.

Q. For what purpose?

A. The same purpose that I went to see him at the King Edward - - - Royal York Hotel.

Q. You keep saying King Edward?

A. Yes.

Q. That is what you said the last time you were here?

A. I meant the Royal York.

MR. MacKINNON: Q. King Edward seems to hold some interest for you. Had you ever mex met Feeley in the King Edward Hotel?

A. No, I did not.

Q. Ever meet any other gambler in the King Edward?

A. No, sir.

THE COMMISSIONER: We will have a ten minute recess.

---Hearing adjourned at 12:14 p.m. until 12:25 p.m.

---Witness resumes witness stand.

MR. MacKINNON: Q. You were telling us that you had paid a second visit to Ecclestone's home a year after you had visited his office, is that correct?

A. Approximately, yes.

Q. Yes, and what was the purpose of the visit? - - to Ecclestone's home? This was after you were subpoenaed, I believe you told us?

A. Yes, I belwe it was.

Q. What was your purpose in seeing Ecclestone?

A. To discuss the various aspects of Constable Scott's evidence, I believe, in previous trials, and to further discuss the possibility of bringing legal suit against Constable Scott or other persons who might - -

Q. I thought you were discussing this with Mr. Humphrey? That is why you said he was still your lawyer?

A Yes, I did discuss the same thing with Mr. Humphrey, but primarily, I believe, I intended for Mr. Ecclestone to represent me in the event that I did follow through with any of it.

—Cross-examined on trial p.m. with Mr. S.B.

—Cross-examined without objection.

Mr. Hutchinson: Q. You were telling us that you had paid a second visit to Dr.Lombardo's some a year after you had visited his office, is that correct?

A. Approximately, yes.

Q. Yes, and with him the purpose of the visit? -- to Dr.Lombardo's house? This was after you were indicted, I believe you told me?

A. Yes, I believe so sir.

Q. What was your purpose in making the overtures?

A. To discuss the matter regarding of Constable Scott's evidence, I believe, in previous trials, and to further discuss the possibility of having Ladd and Gardiner Constable Scott's or other persons who might -- ?

Q. I thought you were discussing this with Mr. Hoggarty? That is why you said he was still your lawyer?

A. Yes, I did discuss the case briefly with Mr. Hoggarty, but primarily, I believe, I intended for Dr. Lombardo to experience me in the events that I did follow through with Mr. H.

Q. Is Humphrey your lawyer or isn't he?

A. No, I consider Mr. Eccleston my lawyer.

Q. Your answer for not paying Humphrey or not being sent a bill of his, was that he was still acting for you?

A That's true.

Q. What is he acting for you for?

A. I don't kxx.know.

Q. You don't know?

A In the event, I might bring legal suit.

Q. I thought you said Eccleston was going to handle that matter?

A. I intended to have Mr. Eccleston represent me. However, I was still of the opinion that Mr. Humphrey may, or both gentlemen may, represent me.

Q.But you had paid neither gentleman?

A. That's true, I hadn't.

Q. Pardon me?

A That's true, I haven't.

Q. Indeed, you haven't been xx sent a bill by either gentleman?

A. That's true.

Q Just in that connection, we have now had evidence that you and your friend Lamorie took a trip to Belleville and Ottawa

Q. Is Humphrey your lawyer or isn't he?

A. He is handling my divorce by letter.

Q. Your answer for the petition introduced by and having sent a bill of sale, you then be was still making for your

A. That's true.

Q. What is he acting for you then?

A. I don't know.

Q. Did he?

A. In the event, I might bring legal suit.

Q. I thought you said Humphrey was going to handle that matter?

A. I intended to have Mr. Holstrom represent me. However, I was still of the opinion that Mr. Humphrey was, as both gentlemen say, represent me.

Q. Did you had paid another gentleman?

A. That's true, I have's.

Q. Indeed?

A. That's true, I have's.

Q. Indeed, you haven't been as good a bill by other gentlemen?

A. That's true.

Q. Just in what connection, we have now had evidence that you and your friend Lawrence took a trip to Helleville and Cuenca.

approximately shortly after you resigned, is that correct?

A. Yes, I believe I took advantage of the fact that I wasn't working to take a holiday because I did intend to find a job soon. Yes, we went to Ottawa.

Q. And the truth of the matter is --

THE COMMISSIONER: Q Was the purpose of the trip a job in Ottawa?

A. No, it wasn't, my lord. The purpose was entirely for a holiday, entirely. We went to Ottawa and I left Constable Lamorie there and I went to my parents; that is, my father and mother-in-law's home, residence, in the Penetanguishene, Ontario, area.

MR MacKINNON: Q. Whose car were you driving in?

A. My own.

Q. Whose car was Lamorie in?

A. His own.

Q. You didn't go in the same car?

A. No sir, we didn't.

Q. You went in separate cars?

A. That's correct.

Q. And you met in Belleville?

A. I believe we stopped for lunch there.

Q. You were together there?

A. Yes, I believe so.

Q. And you were together in Ottawa at the same motel?

A. That is correct.

Q. Yes, and I put it to you at the time you resigned, you did not have a job?

A. That's true, I did not.

D/2 Q. Yes. So, it wasn't quite accurate what you told us the other day, that you resigned because you were going to work with your brother?

A. That's true. That was the thought in back of my mind to engage in business with my brother. However, it wasn't -- That was my desire. I hadn't worked on the aspects, all the aspects, out with my brother, at that time. When I came back I was of the opinion that I would probably do that.

Q. When did you first start to work with your brother full time after you ~~resigt~~ resigned?

A. Approximately two weeks after my resignation.

Q. And did you call your brother on either Sunday or Monday of the day of your suspension and the day of your resignation?

A. No, I don't believe so.

Q. So you resigned without any consultation with him?

A. Yes, but prior to my resignation

Q. And you were the driver in Ottawa at the same point?

A. That is correct.

Q. Yes, and I put it to you as the trial judge presiding, you did not have a jury?

A. That's true, I did not.

Q. Yes. So, it doesn't matter anything about jury duty at the stage of, when you implied because you were going to work with your counsel?

A. That's true. That was the thought in back of my mind to change in business with my business. However, it wasn't — that was my decision. I hadn't received on this capacity, all the magazine, and with my brother, at that time. When I came back I was of the opinion that I would probably do that.

Q. When did you first start to work with your counsel Jill Kim after the trial verdict?

A. Approximately two weeks after my trial verdict.

Q. And did you call your lawyer on either Sunday or Monday of the day of your sentence and the day of your convictions?

A. No. I don't believe so.

Q. So you discussed without any conversation with him?

A. Yes, but prior to my sentencing

and during the time I was a member of the Ontario Provincial Police he had asked me on a number of occasions to come with him. In view of my previous office experience he thought I would be good in handling the book end of the business and assisting him in the machine shop operation.

THE COMMISSIONER: Q. Why didn't you go?

A. I did go with my brother.

Q. Why didn't you go at the time he asked you?

A. Well, I was -- I had almost decided to. I was somewhat apprehensive, perhaps, about the fact of the brother relationships in business are sometimes not quite successful, and I was seriously considering it. I believe I would have during that summer had I not been suspended.

MR. MacKINNON: Q. Well, so far as this alleged action you have been contemplating -- Humphrey and Ecclestone, I take it, this would be an action on behalf of both you and your friend Lamorie because he was seeing Humphrey and he had seen Ecclestone?

A. Yes, I would be inclined to think that.

Q. And Lamorie was with you on this visit to Ecclestone's home?

one morning you found a gun in Mr. [illegible]'s
bedroom downstairs? Tell me the exact
manner of conversation passing with him.

A. In view of my previous evidence concerning the
[illegible] I think it would be quite out of
the question and prejudicial to the business
now operation.

Mr. Lockwood: Q. Why didn't you
go?

A. I did go with my brother.

Q. Why didn't you go at the time
he asked you?

A. Well, I was -- I had a lunch
meeting for. I had [illegible]
[illegible] the Jail of the [illegible]
in business and [illegible]
[illegible], and I was [illegible] considering it.
I believe I would have during that [illegible]
had I not been [illegible].

Mr. Lockwood: Q. Well, so that on [illegible]
[illegible] — [illegible] 19, this would
be an action on behalf of both you and your
[illegible] if [illegible] he was [illegible]
and he had been [illegible]?

A. Yes, I would be [illegible]
[illegible].

Q. Was [illegible] was with you or
was [illegible] to [illegible]'s house?

A. No, he was not.

Q. He was not. Were you acting as his agent on this particular visit?

A. No sir, I was not.

Q. Well then, I want to come to this trip you and Lamorie took to Ottawa. You and Lamorie made a collect long distance telephone call to Humphrey on I believe, June 1st, didn't you, from Belleville?

A. No, I believe Constable Lamorie told me he had.

Q. Well, he stated this was done by arrangement?

A. Well, I knew of no arrangement where we were to phone him from Belleville.

Q. What was Lamorie phoning him for? You say it was Lamorie that phoned?

A. I don't know; I believe possibly it was becuase he intended to be away for a few days, or something to that effect, and he wanted to tell Mr. Humphrey he would be away and he would contact him at a later date. I don't recall. I wasn't in on the conversation.

Q. Do you say you were not there when this call was put in from Belleville?

A. I say I wasn't in on the conversation.

Q. But you were there when the call was made?

A. Oh, he was not.

Q. He was not. Were you asking

as his agent on this purchasing utility

A. Oh sir, I was not.

Q. Well then, I want to come to

that very you and answer that in different

the one issue - was a collect long distance

telephone call to company on I believe, June

1st, didn't you, Jim Williams?

A. No, I believe Commodie Lawrence

told us he did.

Q. Well, he stated this was done

by arrangement?

A. Well, I knew of no arrangement

where he was to pay his own telephone.

Q. Did you discuss paying his long

distance telephone bill?

A. I don't know. I believe

probably it was because he intended to be away

for a few days, or something to that effect.

and he wanted to call in. Knowing he would

only not be gone several days or a later date,

I don't recall. I wouldn't be sure that conversation.

Q. In you say you were not there

when this call was put in from Bellevilley

A. I say I wasn't in on the

conversation.

Q. Did you mean therefore the call

was made?

A Yes. I believe he made the call from the restaurant, and ~~kks~~ later on he told me he had made the call.

Q This was a matter of discussion that he should phone Humphrey?

A. He said he was going away.

Q. You had made arrangements to call Humphrey before you had left Toronto?

A. No, I wouldn't; I didn't.

Q. You were to go with Lamorie to his office together?

A. That's correct.

Q. In fact, you were the leader, if there was any leader of the two of you?

A No, I wouldn't say that at all.

Q. You are an older man?

A. Yes.

(Page 6360 follows)

E/1/FMcG

MR. MacKINNON: Q. Well, now, are you now telling us seriously that you do not know really why Lamorie was calling but, in any event, you had nothing to do with this phone call?

A. That is true. I did not speak to Mr. Humphrey on that occasion.

Q. Can you give us any reason why Humphrey would be prepared to accept a collect call?

A. Not specifically, no.

Q. Which lasted for about eight minutes?

A. No; I wouldn't know of any reason.

Q. Was it because you and Lamorie were fearful that a writ for your arrest was going ---

THE COMMISSIONER: A warrant.

MR. MacKINNON: Q. A warrant, sorry, for your arrest was going to be issued?

A. No, I wasn't fearful.

Q. Was there any discussion of that?

A. Quite possibly. I would imagine we did. I cannot recall the conversation in detail but I believe ---

Q. Why would you be fearful of being arrested?

A. I believe that it primarily centered around the fact that we had been to the Alpine Club and played cards there.

MR. BROCKMAN: Q. Well, now, are you now telling us seriously that you do not know Billy Daniels and Billy Daniels in any event, you did manage to be back this phone call?

A. That is true. I did not speak to Mr. Daniels on that occasion.

Q. Did you also at any rate Daniels said he happened to mention I called.

A. Not particularly, no.

Q. Didn't Daniels for some odd reason

A. Not I wouldn't know of any reason.

Q. Was it because you and Lucrezia were fearful that a note for your arrest was going ---

MR. BROCKMAN: A question.

MR. BROCKMAN: Q. I suppose, Harry, for your arrest was going to be issued?

A. No, I wasn't fearful.

Q. Was there any discussion of that?

A. Quite possibly. I would imagine so then. I cannot recall the conversation in detail but I believe ---

Q. Why would you be fearful of being arrested?

A. I believe that it probably concerned around the fact that we had been to the Alpine Club and played cards there.

THE COMMISSIONER: Q. You were fearful of being arrested for that?

A. Well, in the event of any charge being laid in connection with that, it certainly was my opinion we could be summonsed as a found-in.

Q. What?

A. Summonsed as a found-in if it was a common gaming house.

Q. Well, you said it wasn't.

A. That's right.

MR. MacKINNON: Q. Nobody had found you in there?

A. No, but we had been there and we played cards there and Constable Lamorie had told me that on the last occasion he was there, and I was with him, that he thought he had seen a rake-off.

THE COMMISSIONER: Q. What brought that matter up?

MR. MacKINNON: Q. Yes,what brought that up?

A. Nothing brought it up other than the fact that later on when we left the place he said, "Did you see a rake-off there?". He said, "I'm damn sure I saw a rake-off".

Q. What brought this up? Since your last evidence last week? What has refreshed your memory on this question of a

rake-off? You were very firm last week about (a) no rake-off and (b) never having heard of a rake-off?

A. I was quite firm in the fact of never having seen a rake-off. Constable Lamorie told me at the time that he wasunder the opinion there was.

Q. Well, so far as you led us to believe last week, there was never any suggestion of a rake-off by anybody, that this was quite a novel suggestion being made to you?

A. I didn't ---

Q. But now you have thought about it and you remember that Lamorie did say to you that the last time he had been there there was a rake-off, he thought?

A. Yes. I recall him asking me, "Did you see a rake-off?".

THE COMMISSIONER: Q. Well, you and he were playing together?

A. Yes.

Q. If there was a rake-off he contributed and so did you?

A. I certainly never contributed to any rake-off. If there was a rake-off it wasn't obvious to me.

MR. MacKINNON: Q. Maybe you were especially favoured that you were not called on to make a contribution?

A. No.

Q. Well, the question ---

THE COMMISSIONER: Q. Well, I am interested in the telephone call.

MR. MacKINNON: Q. Just to get this question on the record again, at page 5995:

"Q. And if a number of your "fellow officers testify that "there was a rake-off when you "were there you still want to "swear that there wasn't a "rake-off?

"A. Yes, sir."

A. Yes, sir, I didn't know there was one. However, ---

Q. Well, I will come to that.

A. However, if other officers testify there was, I can only assume there was and I didn't see it.

Q. All right; let's go to this trip that you took ---

THE COMMISSIONER: Well, as to a rake-off, there is so much taken out of every pot, isn't there?

A. That's right, my lord.

Q. Yes.

A. However, the manner in which I have played in various games in which there was a rake-off, in the course of my duties with

A. No.

Q. Well, the question ---

MR CONSTANTINOUS: Q. Well, I am interested in the telephone call.

MR. MEDLICOTT: Q. Just so you

MR. CONSTANTINOUS: Q. And if a member of your

Police Officers family was

involved in a hit-and-run and

were there you still want to

answer that question?

A. Yes, sir.

MR. MEDLICOTT: ---

Q. Well, I will come to that.

Q. Assuming, if other officers

nearby there was, I can only assume there was

and I didn't see it.

Q. All right, let's go to the

next item [illegible] ---

MR CONSTANTINOUS: Well, as to a hand-

off, there is so much taken out of every pot.

Isn't it?

A. That's right, my lord.

Q. Yes.

A. Moreover, the manner in which I

have placed in various cases in which there

was a hand-off, in the course of my duties was

the Provincial Police, the manner in which these rake-offs are taken sometimes is very unobvious. For example, the house man will put in a dollar bill and he will be playing the game and put in a dollar bill and take a dollar out. In other words, he had called a hand and he never put in any money at all. Likewise if he were to put in a quarter, he will take out a half-dollar. It would represent a rake-off but it wouldn't be apparent what he was doing.

MR. MacKINNON: Q. I would like to come back to that in a moment, Witness. Will you stick for the moment to the Ottawa trip and your phone calls. Now, I am interested in your agreement that you might possibly have discussed the fact that you might be arrested. Your explanation for this is because you attended at the Alpine Club, is that it?

A. Yes.

Q. So every last member of the gambling squad would be subject to arrest outside of Sergeant Anderson?

A. Yes, if in fact we did dimuss the possibility of our arrest; I wasn't really very concerned about the whole matter.

Q. Well, was Lamorie?

A. I would not say over-concerned, no.

Q. Did he explain to you how it was

that Humphrey was prepared to accept collect calls from him?

A. No, sir.

Q. Then did you call again from Kingston?

A. No, sir, not to my recollection.

Q. Are you sure?

THE COMMISSIONER: From any place?

MR. MacKINNON: Q. Well, that is the next question; are you sure there was no long-distance call from Kingston?

A. Not to my recollection. If there were, I certainly didn't make them.

Q. Well, were you present when they were made?

A. No.

Q. Was there a call made by either you or Lamorie to Cronin when you were in Kingston?

A. No, not that I know of; certainly not by myself.

Q. Well, you were discussing Cronin, were you not?

A. No, I cannot recall that we ever were.

Q. Did you go by his motel?

A. We might have; I don't know.

Q. Did you stop at his motel?

A. No. I don't know where his motel is.

this information was obtained by secret agents calling on his from him?

A. No, sir.

Q. Then did you call agents from Kingsport?

A. No, sir, due to my reconsideration.

Q. Are you sure?

[illegible]

A. [illegible] Well, why is no long-distance call from Kingsport

A. Not to my recollection. If there was, it certainly didn't make them.

Q. Well, were you present when they were made?

A. No.

Q. Can there a call-back be either you or Lamonte to Crandon when you were in Kingsport?

A. No, not that I know of/certainly not by myself.

Q. Well, did Bryn [illegible] Crandon, were you [illegible]

A. No, I cannot recall that we ever were.

Q. Did you go by his house?

A. We might have; I don't know.

Q. Did you know of his house?

A. No. I don't know where the hotel is.

Q. Well, in any event, you say there was no phone calls made by you or by Lamorie that you saw while you were in Kingston?

A. That is correct, sir.

Q. Then you got to Ottawa and in Ottawa there is a collect call made on June 3rd, I believe, to Humphrey. Now, what was that call about?

A. I don't recall what it was about. I don't recall the telephone call at all, sir.

Q. You would not have discussed this with your friend Lamorie with whom you were travelling?

A. If we did, I don't recall. I don't believe we did.

Q. Are you now saying you didn't know he had made a call from Ottawa collect to Humphrey?

A. Yes, I am saying that I do not remember him having said that or having made such a call.

Q. Now, you are swearing that you cannot help us in any way as to the purpose of such a call?

A. That is true.

Q. And this was done on Lamorie's own initiative, as far as you are aware?

A. Yes; I would say that is so.

Q. How long did you stay in Ottawa?

A. Approximately one day. We stayed

Q. Well, in any event, you say where was no phone calls made by you or by Lazarus that you had been here in Kingsport.

A. That is correct, sir.

Q. Then you got to Atlanta and in Atlanta there is a collect call made on June 3rd, I believe, to Kingsport. Now, what was that call about?

A. I didn't call collect in the first place. I don't remember the telephone call at all, sir.

Q. You could not have discussed this pre-trial document with those you were interrogating?

A. If we did, I don't recall. I don't believe we did.

Q. Are you now saying you didn't have in hand such a document when talking to Kingsport?

A. Yes, I am saying that I do not remember his having said that or having made such a call.

Q. Now, you are swearing that you cannot help us in any way as to the purpose of such a call?

A. That is true.

Q. And this was done on Lazarus's own initiative, as facts you are aware?

A. Yes; I would say that is so.

Q. How long did you stay in Atlanta?

A. Approximately one day. We arrived

overnight. We drove around the next day. We visited various places. And that afternoon or evening I left.

Q. And then did you say you went on up to Penetang?

A. Yes, that area.

Q. How long were you up there?

A. Three or four days, if I recall correctly.

Q. Do you now swear you did not phone Humphrey from there?

A. No. It is possible.

Q. It is possible. Now, I would like to know why you phoned Humphrey from Penetang.

A. I believe I do recall having phoned Mr. Humphrey but I don't ---

Q. You phoned him collect?

A. I might have.

Q. Why would you phone him collect?

A. Probably because I never had sufficient money to call him.

Q. It is pretty easy to get a dollar or two-dollar bill changed up there, xi isn't it?

A. Yes, but, as I recall, I never had too much money.

Q. Why would Humphrey be paying for your long-distance phone calls? Tell me about that.

A. I don't know. Probably I would expect to pay for it on the bill, on my fee to him.

Q. And you still have not paid it, have you?

A. Not as yet, no.

THE COMMISSIONER: Q. How often did you call him from Penetang?

MR. MacKINNON: Q. That was my next question.

A. I believe I called him once, my lord.

THE COMMISSIONER: Q. Only once?

A. Yes. Whether it was from Penetang, I am not prepared to swear on that. I only called him the once long-distance, as I recall.

Q. What for?

A. To discuss with him -- It isn't clear in my mind why other than the fact that I wanted to generally discuss the situation again in brief and tell him that I would be home to talk to him further in the following week or so.

MR. MacKINNON: Q. What were you worried about?

A. I wasn't worried about anything.

Q. Can you tell me why he would accept long-distance phone calls from you with charges reversed?

A. I don't know. Probably I would
expect to pay for it on his bill, on my bill
to him.

Q. And you would have not paid it,
have you?

A. Not as yet, no.

MR CROSSLEYSMITH: Q. Now other than
you call him from Innsbruck?

MR. MARCHMONT: Q. Did you ever
question,

A. I believe I called him once, as
later.

MR CROSSLEYSMITH: Q. Only once?

A. Yes. However, I was from Innsbruck.
I am not prepared to swear on that. I only
called him the once long-distance, as I
recall.

Q. Then?

A. My dealings with him -- It isn't
clear in my mind why other than the fact that
I wanted to personally discuss the situation
again in order and tell him that I would be
home to talk to him further in the following
week or so.

MR. MARCHMONT: Q. Did have you
mentioned Ghazi?

A. I wasn't mentioned much according.

Q. Can you tell me why in making
account long-distance phone calls from you
[illegible]

A. Why he would accept them?

Q. Yes.

A. Inasmuch as I was a client, I am inclined to think that he would accept them for that reason.

Q. You think a lawyer will accept long-distance phone calls from clients who have been in his office once or twice?

THE COMMISSIONER: Mr. Humphrey would.

MR. MacKINNON: Q. Mr. Humphrey apparently would.

A. I would be inclined to think any lawyer would.

THE COMMISSIONER: Q. Well, you telephoned from -- where was the first place you telephoned from? Not you, but between the two of you?

MR. MacKINNON: Q. Belleville?

A. As I recall, Constable Lamorie phoned.

THE COMMISSIONER: Q. From Belleville?

A. From Belleville. I don't know that he called any time after that.

MR. MacKINNON: Q. Well, Ottawa; you know that?

A. Oh, yes.

THE COMMISSIONER: Q. Ottawa?

A. Yes, possibly Ottawa but I don't recall. He might have.

MR. MacKINNON: Q. Then Penetang?

A. Did you really never know?

Q. Why?

A. Because as I was a client, I was instructed to state that he would accept [illegible].

Q. You have a larger bill against large-scale [illegible] which although it has been in the office some or years?

Mr. [illegible]: Mr. Chairman, I [illegible] objectionable.

Mr. [illegible]: Q. Mr. [illegible] objectionably [illegible].

A. I would be inclined to think [illegible].

THE COMMISSIONER: Q. Well, you [illegible] the [illegible] plan [illegible] the [illegible] of [illegible]

Q. [illegible] Q. [illegible]

A. As I recall, [illegible] [illegible].

THE COMMISSIONER: Q. [illegible]

A. [illegible], I don't know that he called any [illegible].

Mr. [illegible]: Q. Well, [illegible] [illegible]

A. Mr. [illegible].

THE COMMISSIONER: Q. [illegible]

A. [illegible] I don't [illegible], [illegible].

Mr. McKinnon: Q. Then [illegible]

A. Well, I called.

Q. Or that area?

A. I called from Penetang or that area. I just forget.

Q. Do you know that Lamorie called from Crystal Beach?

A. No, I do not.

Q. Did he not tell you this?

A. No, I don't recall him having told me that.

Q. You were both interested in the same thing, that is why you were both calling, wasn't it?

A. Yes, primarily.

Q. Yes; so he would be trying to find out from Humphrey the same information that you were seeking; correct?

A. Possibly.

Q. You and Lamorie were in this together?

A. Yes.

Q. In partnership?

A. Partnership? Well, we had no partnership.

THE COMMISSIONER: Q. Well, together?

A. Together; yes, we were consulting Mr. Humphrey together.

MR. MacKINNON: Q. Have you been advised that these calls were charged and paid for by Peeley and McDermott?

A. Certainly not. I don't believe they were.

THE COMMISSIONER: Q. Why do you believe that?

A. Well, I don't see why they would pay for them.

MR. MacKINNON: Q. Well, I can give you a good reason.

A. What is that?

Q. Because you were working for Feeley and McDermott.

A. That is not true.

Q. They were paying for your services?

A. That is not true.

Q. They were paying for your lawyer and paying for your long-distance phone calls?

A. That is not true.

Q. Is this the first lawyer you ever retained?

A. Yes, I believe so.

THE COMMISSIONER: Which one?

MR. MacKINNON: Q. Well, let's start on Humphrey?

A. Yes, I believe so.

Q. You never had another lawyer act for you at any time?

A. No.

Q. Did you know Mr. Gebirtig?

A. No, sir. I recall the name but I don't know him.

Q. Especially not. I share Solzhenitsyn's views.

Did conscientious objectors do anything to your reputation among Russians?

A. Well, I don't know why they would.

Q. Conscientious objectors do. Well, I see that you're a very reasonable man.

Q. When did you start worrying for Peter and Helsinki?

A. That is not true.

Q. They were worrying for your Helsinki.

A. That is not true.

Q. They were paying for your Helsinki and paying for your Long-distance phone calls.

A. That is not true.

Q. Is this the first lawyer you have violated?

A. Yes, I believe so.

Q. Did you have any sensitive lawyer-client conversations?

A. No.

Q. Did you know Mr. Orlov?

A. Yes, I believe so.

Q. Did you have any sensitive lawyer-client conversations?

A. No.

Q. Did you know Mr. Orlov's phone?

A. Yes, I believe so.

Q. Did you have any sensitive lawyer-client conversations?

A. No.

Q. Did you know Mr. Orlov's phone?

A. Yes, I believe so.

Q. Especially not.

Do conspiracies. Should such conversations, I, Yuri, have with your lawyer?

A. Yes, I believe so.

Q. Did you have any sensitive lawyer-client conversations?

A. No.

Q. Did you know Mr. Orlov's phone?

A. Yes, I believe so.

Q. Especially not.

Q. Or Lou Herman?

A. The name is familiar. I don't know him.

Q. You never met him?

A. Not to my knowledge.

Q. Now, this call from Penetang was to find out how things were going; is that it?

A. Primarily, I believe to inform him that I would be talking to him possibly in the next week or two.

THE COMMISSIONER: Q. Why didn't you just drop him a note?

A. Why didn't I? Well, it is that much easier to make a telephone call.

Q. Pardon?

A. It is much easier to make a telephone call.

Q. But it is much cheaper to send a letter, particularly when you haven't much money?

A. I don't know why. Maybe I can express myself much better on the telephone than I can in the mail.

Q. Well, was it more urgent?

A. There was nothing urgent.

Q. Nothing urgent?

A. No.

Q. Yet you leave Toronto and go east, stop at Belleville, telephone back to the lawyer, go on to Ottawa, another telephone call

Q. By the Defendant

A. The name is Freddie. I don't know him.

Q. You never met him?

A. Not to my knowledge.

Q. Now, this call from Lawrence was to find out how things were going in that lot?

A. Essentially, I believe to inform him that I would be calling to independently in the near week or two.

Mr. Cunningham: Q. Why didn't you just drop this a week?

A. Why didn't I? Well, it's that much easier to make a telephone call.

Q. Therefore?

A. It is much easier to make a telephone call.

Q. But it is as much cheaper to send a telegram, particularly when you happen to be

A. I don't know that, really I am cheap. Would back further on the telephone than I can to the mail.

Q. Well, and if that happens

A. There was nothing wrong.

Q. Nothing wrong

A. No.

Q. Not you knew Terrance and to stay, drop at Bellaville, Ontario back to the lawyer, go on to Ottawa, another telephone call

to the lawyer, you go on to Penetang and then another telephone call to the lawyer, and you suggest there was nothing urgent about the telephoning?

A. That 's right,my lord.

Q. The purpose of these telephone calls was just to say "here, I am, and I will be back in a few days or a couple of weeks"?

A. Yes.

Q. That was your purpose?

A. I don't know what Lamorie's purpose was.

Q. But that was your purpose?

A. Yes.

MR. MacKINNON: Q. I thought Humphrey had spoken to you and had already advised you to the extent that you would take advice. Why were you continuing to get in touch with Humphrey?

A. Because he was my -- I considered him to be my lawyer. I was consulting him.

Q. Consulting him about what? You had resigned? He hdd given you that much advice. What else was there to consult him about?

A. About the apparent accusations that had been made.

Q. What accusations?

A. Well, the inferences that I drew from the conversation between myself and Commissioner

to the lawyer, which is to investigate and form another independent well in the history, and you suggest that the letters begin about the

(interrupted)

A. That's right, my lord.

Q. The purpose of these telephone calls was just to say "hello, I am, and I will be back in a few days or a couple of weeks"?

A. Yes.

Q. That was your purpose?

A. I don't know what Lamonte's purpose was.

Q. But that was your purpose?

A. Yes.

MR. MACKENZIE: I suggest that and appears to you and had already advised you to the extent that you would take advice.

Why were you continuing to get in touch with Lamonte?

A. Because he was my -- I considered him to be my lawyer. I was consulting him.

Q. Consulting him about what?

You had received? He had given you that much advice. What else was there to consult him about?

A. About the numerous accusations that had been made.

Q. Then accusations?

A. Well, the inferences that I done [illegible]

Clark and Assistant Commissioner Kennedy at the time of my suspension.

Q. About the Alpine Club?

A. Yes.

Q. And you expected that possibly because of your involvement in the Alpine Club, in having gone there a few times, that this might cause a warrant to be issued?

A. No. I cannot really say that I feared a warrant would be issued. I felt completely innocent from having been to the Alpine Club, in spite of the fact that I was told there was, I was informed there was a rake-off there, inasmuch as I didn't witness the rake-offs.

Q. Well, ---

A. I felt I was not subject to prosecution.

Q. Well, there would then really be no concern in your mind to be calling Humphrey about that particular matter, would there?

A. Well, I was concerned more about that than anything else, I would say.

Q. Let me take you to Mr. Lamorie's evidence at page 6209.

THE COMMISSIONER: Just a moment, Mr. MacKinnon.

Q. Were you in any way disturbed or apprehensive when you went on this trip, you and your wife and Lamorie and his wife?

A. In any way?

Q. Yes. As a result of these implications against you?

A. I would say, my lord, that I felt bad about the fact that I was suspended. I wasn't overly concerned or anxious.

Q. Not at all?

A. No, not overly, my lord.

Q. What do you mean by "overly"?

A. Well, I wasn't worried about it, I will say.

Q. You didn't fear that perhaps there might be a warrant out for your arrest?

A. No. Certainly my going to Ottawa wouldn't in any way prevent them from getting ahold of me. I didn't intend to leave for good. I was just going on a holiday.

Q. Oh no, I am not suggesting they couldn't have found you.

A. Certainly they could have found me.

Q. All right.

MR. MacKINNON: Q. You were not suspended at the time of the trip to Ottawa, you had resigned by them; is that not correct?

A. Yes.

Q. You were off the Force?

A. That is correct.

Q. So it was not a case of you being

A. In any way.

Q. Yes. As a result of those

implications (quote) you

A. I would say, my lord, that I felt

you knew the fact that I was suspected. I

mean, clearly [illegible] in Brixton.

Q. Why is this?

A. No, not overtly, my lord.

Q. Did it you take to "[illegible]"?

A. Well, I would rather [illegible] it,

I will say.

Q. You didn't feel this particularly

right to be a warrant out for your arrest?

A. No. Certainly my going to

[illegible] wouldn't in any way improve that fact

nothing could of no. I didn't intend to leave

for good. I was just going on a holiday.

Q. Oh no, I am not suggesting they

couldn't have found you.

A. Certainly they could have found

me.

Q. All right.

Mr. Justice [illegible]: You have not

suggested at the time of the trip to Ostend,

you had realised by then in that not current?

Q. Yes.

Q. You were [illegible] the [illegible]?

A. That is correct.

Q. So it was not a case of you being

under suspension at the time of your trip?

A. No.

Q. You wouldn't be phoning Humphrey about any possible hearing of the Police Commission or the Commissioner himself?

A. No.

Q. Now, this question of rake-off that you mentioned; Lemorie has sworn at page 6209 -- the Commissioner asked him this question:

"Q. While you were there was

"Lawrence there, too?"

That is the Alpine Club.

"A. Yes.

"Q. Playing at the same time

"you were?

"A. Yes.

"Q. He would know that there was

"a rake-off? It is not important

"but he knew and you knew it?

"A. Yes."

A. No, I did not know it until after I left. That was the last time I went there. And after I had left I couldn't even conceive that there was because of the fact that ---

Q. Well, he isn't telling the truth when he says you would know it?

A. No, not at the time. No, I didn't know it at the time.

Q. He is talking about at that time?

money mysteriously at the time of your trial?

A. No.

Q. You wouldn't be phoning Humphrey Bogart and pleading guilty of the Valdez Commission or the Constitutional Liberty?

A. No.

Q. Now, this question of rape-off that you mentioned; Lenore has always at least — the Jacksonville Journal has said she disappeared.

"Q. Would you say Bogart was 'Lenore Storm, Good'

that is the Alpine Club.

"A. Yes.

"Q. Playing at the Rose Room

'Joe Water'

"A. Yes.

"Q. He would have that there was

'a rape-off' It is not important

but he knew and you knew it?

"A. Yes."

A. No, I did not know it until after I left. That was the last time I went there. And after I had left I couldn't even convince that there was because of the fact that ---

Q. Well, he isn't talking, is

there when he sees you would have to?

A. No, not at the time. No, I didn't know it at the time.

Q. He is talking much at that time?

A. No, I did not.

Q. Then you told us with regard to Balsam's number, you phoned "Information" to get it?

A. Yes. I have been searching my memory considerably during the last week with regard to this. The same thing applies; I will have to testify that the same thing applies as with the incident in the Commissioner and Assistant Commissioner Kennedy's office. I can only testify as to what my memory and conscience dictate. To the best of my memory, even after ~~km~~ giving it considerable thought I believe that is the manner in which I got ahold of him.

Q. Let me read you Lamorie's evidence on this and maybe you will have some second thoughts. Lamorie has sworn under oath that he knew Balsam's number, and Mr. Wilson asked him this question:

"Sure. And Lawrence knew his number "too?

"A. Yes, that's right."

A. No, I didn't know his number.

Q. So once again Lamorie is mistaken or is not telling the truth?

A. I would say he is mistaken. I had occasion to refer to Balsam's number and I had occasion to hold observations on his home and I possibly might have done a telephone

check on his number, I don't know, but I didn't remember it sufficiently to phone it. That is the best of my memory.

Q. Well, that is your evidence and I haveread you his evidence.

A. Yes.

Q. As to Penetang, do you come from that area?

A. No; my wife does.

Q. Did you know a Frank Marchildon?

A. Frank Marchildon?

Q. Yes.

A. No. I know some Marchildons up there but I don't know a Frank Marchildon. I know a Thomas Marchildon.

Q. You don't know any Marchildon that lives in the city, do you?

A. In the city here?

Q. Yes.

A. No, I don't know.

(Page 6380 follows)

Q. Now, Mr Lamorie also told us that you made two visits to Rose's office, according to what you told him; one before you met Petrochenko and Balsam in the bowling alley here in the city and the second one after you had met them in the bowling alley. Now, is that correct?

A. Now, that sounds familiar. Yes, I believe I did go there in the early part of the evening. Mr Rose was busy, as I recall, and I went to visit, to meet, rather, Lamorie, Sammy Balsam and Petrochenko, and after that I believe I went back to Mr Rose's office for a few minutes.

Q. Well, for a few minutes. When you delivered this statement; is that correct?

A. Yes.

Q. Now, did the fact you met Petrochenko and Balsam have something to do with going to Rose's office?

A. Nothing whatsoever.

Q. What did Balsam or Petrochenko hand to you on that occasion?

A. Absolutely nothing.

Q. You so swear?

A. I so swear.

Q. Nothing was delivered to you?

A. Nothing. Absolutely nothing. The

Q. Now, Mr Campbell also could be sued for the same you Viking Mr Smart's company something so what you held hour one because you are responsible and liable of the contract entered into in the city and the second one after you had not been in the building city. Now, is that correct?

A. Yes, that seems logical.

Yes. I believe I did go there in the early part of the evening. So that one day, or two days, maybe, and I went to court, to meet, contact, discuss these things and determine, but later then I believe I went back to Bowling Green and I the meeting.

Q. Will the 3 the meeting. Then you discussed this arrangement in that contract?

A. Yes.

Q. Now, did you talk you and Johnson and Brian have according to in this going to Smart's office?

A. Probably afterwards.

Q. What did Brian or Johnson hand to you on that occasion?

A. Impossible anything.

Q. Did we record?

A. I am unsure.

Q. Anything was delivered to you?

A. [illegible]

Q. [illegible]

conversation was very brief. It took place on the street in front of the bowling alley and there was absolutely nothing.

Q. Are you sure it wasn't in Balsam's car?

A. I'm positive.

Q. You were not sitting in Balsam's car at any time?

A. Yes, I believe I did sit in his car for a moment.

Q. You believe you did.

A. Upon his arrival. We were awaiting Petrochenko and we decided to go over to the bowling alley. We went over to the bowling alley and had a coffee awaiting his arrival and he didn't appear so we walked around, we walked out on the street for a while, and that is when he came.

Q. Well, Lamorie knew you were waiting for Petrochenko, didn't he; that had all been arranged before he left Fort Erie?

A. Yes; I believe Lamorie had intended to see Petrochenko also.

Q. I would expect so. Why did he wander off?

A. Well, it was a fair length of time that we were waiting for Petrochenko. I think perhaps we were wondering if he was going to show or not. Constable Lamorie said, "I'm going to go over and have a fast

conversation was very brief. It took place on the stairs in front of the boarding alley and there was absolutely nothing.

Q. Did you make it seem's to Delaney's case?

A. (No answer)

Q. You were not stirring in Delaney's case at any time?

A. Yes, I believe I did get in his way for a moment.

Q. Tell us about it.

A. [illegible] [illegible] and we decided to go over to the boarding alley. We went over to the boarding alley and had a coffee mentioning his arrival and he didn't appear to be without concern. We walked out on the street for a while, and then he went home.

Q. Well, Demetrio knew you were waiting for Buscemino, didn't he? He had all been arranged before he left Fort Hazar?

A. Yes I believe Demetrio had arranged to see Buscemino also.

Q. I would suppose so. Who did he wanter with?

A. Well, it was a dark length of time that we were waiting for Buscemino. I think perhaps we were waiting life was going to come to pass. Demetrio Demetrio

bear".

Q. According to Lamorie, you told Lamorie and Balsam where you would meet them?

A. I told?

Q. Lamorie where you would meet him and Balsam?

A. Yes.

Q. Did you tell Petrochenko the same thing?

A. I wsn't talking to Petrochenko. I was only speaking to Lamorie.

Q. Do you know who told Petrochenko because Lamorie told you Petrochenko was coming, didn't he?

A. Yes.

Q. Well now, how did you arrange to let Petrochenko know where you were going to meet?

A. I didn't; I wasn't speaking to him.

Q. How was that to be done?

A. I assumed Sammy Balsam would tell him. I don't know.

Q. Or Lamorie?

A. I really don't know.

Q. In any event, he obviously knew where you were meeting?

A. Yes.

Q. And you say it was just pure

coincidence that on that very same day you were in to take a document to Mr. Rose?

A. Yes. Yes, it was.

Q. Did meeting Mr Balsam and Mr Petrochanko just happen to put Feeley and McDermott into your mind?

A. No, I cannot say it did.

Q. Incidentally, Mr Rose has told me that his diary shows that you were in to see him on Wednesday, April 11th. Does that help you any?

A. No, the date doesn't help me.

Q. And what time of day were you seeing Petrochenko and Balsam?

A. It was the evening.

Q. How late in the evening?

A. I would think it would be approximately nine o'clock, in around that time.

Q. Do you say after nine o'clock you went in to see Mr. Rose?

A. Well, it was after I had seen Petrochenko.

Q. It wasn't the same day though, was it?

A. Yes, I believe it was the same day.

Q. You think that it was somewhere around ten o'clock that you went in to Rose's

[illegible] that on that very same day you were in to take a document to Mr. Power?

A. Yes. Yes, it was.

Q. Did anything Mr Burman and Mr [illegible] just happen to put Crosby and [illegible] into your mind?

A. No, I cannot say it did.

Q. Incidentally, Mr Power has [illegible] to that his diary shows that you were in his [illegible] on Wednesday, April 14th. Does that help you any?

A. No, you take Brown's word for it.

Q. [illegible]

A. It was the evening.

Q. Was late in the evening?

A. I would think it would be [illegible] Q. Do you say either then or [illegible] was in to see Mr. Power?

A. Well, it was after I had [illegible]

Q. It wasn't the same day Crosby was [illegible]?

A. Yes, I believe it was the same day.

Q. You think that it was somewhere around ten o'clock that you went in to Power's

office?

A. It could have been.

Q. How did you know he was going to be there or did you just take a chance on it?

A. No. I was there earlier and Mr Rose told me he would be there, as I recall. He said he was busy and he would see me later on. He said he would be back, that he had some work in the office later that night and if I wanted I could call back then.

Q. Did you see Mr Rose on your first visit there? He told you he was going to be back; is that it?

A. Yes.

Q. You had spoken to him for a few minutes, had you?

A. Yes, as I recall.

Q. Did you tell him you were going to see Petrochenko and Mr Balsam?

A. No, I don't believe I did.

Q. Are you sure?

A. No, I am not sure. I don't believe I did.

Q. You could have told him?

A. Yes.

Q. What interest would it hold for him that you were going to see Balsam or Mr.

Petrochenko?

A. None whatsoever.

Q. Why would you tell him?

A. I'm not sure that I did.

Q. If you did?

A. If I did?

Q. Yes.

A. Well ---

Q. Just small talk?

A. Yes.

Q. Why couldn't you have handed this written statement to him at that moment and said "Here is something for you"? Why did you wait?

A. Well, I wanted to have a brief conversation with him. I wanted to request of him to see Mr McDermott.

Q. That wouldn't take very long, would it?

A. No, but he seemed quite busy and I wasn't anxious to disturb him at that time.

Q. Are you sure that the fact that you didn't deliver the document until later, are you absolutely swearing to this, that it had nothing to do with your meeting with Petrochenko and Balsam?

A. Absolutely nothing.

Q. You did not receive any money from either of these gentlemen on that occasion?

A. No, sir, I did not.

Q. Or from Lamoria?

A. Or from Lamoria.

Q. You didn't?

A. I did not.

Q. Did you ever lend Lamoria any money?

A. If I did -- from time to time we would borrow money back and forth among the members of the branch. If I did, it was under the sum of $5, I think.

Q. I mean since you have been suspended and resigned?

A. Not that I recall.

Q. Did he ever lend you money since you were suspended and resigned?

A. Not that I recall. He might have. If he did, it was such a small sum that I don't recall.

Q. It wouldn't be in the hundreds of dollars?

A. Certainly not.

MR MACKINNON: I see it is after one, Mr. Commissioner. I don't think I will be much longer with this witness.

THE COMMISSIONER: How much longer will you be?

MR MACKINNON: Oh, about another three minutes maybe. However, I would like to look through my material.

THE COMMISSIONER: I thought you had in

Q. Do Just Immediately

Q. Do Have Discretion,

Q. You do don't?

A. I did not.

Q. Did you ever Lend Lawrence any money?

A. If I did -- from time to time he would borrow money back and forth among the members of the branch. If I did, it was under the sum of $5, I think.

Q. I mean among you boys from

[illegible] and [illegible]

A. Not that I recall.

Q. And he even lent you money when you were suspended but reinstated?

A. Not that I recall. He might have. If he did, it was such a small sum that I don't recall.

Q. It wouldn't be in the neighborhood of dollars?

A. Definitely not.

MR MCCLANAHAN: I see it is afternoon, Mr. Chairman. I don't think I will be much longer with this witness.

THE CHAIRMAN: How much longer will you be?

MR MCCLANAHAN: Mr. Chairman another thirty minutes, anyway. I would like to lead through my examination.

THE CHAIRMAN: I imagine you had in

mind that perhaps you would finish him up before lunch.

MR MACKINNON: Maybe I can if your lordship will just give me a moment.

THE WITNESS: Possibly, my lord, I can take this opportunity to read, as I requested before, a report I composed during the month of April or May, 1960, with respect to the Centre Road Veterans Association which I believe is important to my defence.

THE COMMISSIONER: Q. What did you do with it?

A. Well, it was left with the Provincial Police. I made telephone requests to the office and I made another request before ---

Q. Where is it?

MR WILSON: We have the report, Mr. Commissioner.

THE WITNESS: I would like to read it into the record, my lord.

THE COMMISSIONER: What form was it in?

MR WILSON: The usual formal report, Mr. Commissioner.

THE COMMISSIONER: Has it been filed as an exhibit?

MR WILSON: No, it has not.

THE COMMISSIONER: Well, it can be filed.

Q. Was it made during the course of

your duties?

A. Yes, during the time I was alleged to have been doing business with these people.

Q. Well, don't worry about it.

A. Thank you.

MR MACKINNON: Q. Can you give me any idea how many times you met Humphrey? You say you met him on the Sunday, you met him on the Monday, and I believe it was on the Monday that you drove over to see Balsam with Humphrey and Lemorie?

A. Yes.

Q. Now, did you see him on any other occasion?

A. Yes. I would estimate I saw him at his office on approximately half a dozen occasions during the past two years.

Q. And most of the occasions were shortly after you had been suspended; the bulk of these visits to Humphrey's office were within a month or so after you had been suspended; is that correct?

A. No; I would say over the past two years.

Q. No; I am saying the bulk of them?

A. The bulk of them perhaps, yes.

Q. Now, you have told us about seeing McDermott, certainly, in 1962. You also

told us that Lamorie had come over and brought his car over and that you had helped repair it; is that correct? A couple of months ago?

A. That is correct.

Q. Now, did you repair his car on the same day that you saw McDermott?

A. No, sir. No, sir; I am quite sure of that.

Q. Was it just before you saw McDermott that you had this interview with Lamorie and fixed his car?

A. I don't recall but it would be close around that time. I would think within three weeks one way or the other.

Q. Once again, was this an arrangement between you and Lamorie that you would see McDermott?

A. Certainly not.

Q. Well, you discussed it with Lamorie?

A. About seeing McDermott?

Q. Yes.

A. Yes, I believe I did.

Q. Yes. Lamorie has told us that he had dozens and dozens of phone calls from you?

A. Yes.

Q. Over the period?

A. Yes.

THE COMMISSIONER: Q. Is that so?

A. Yes, I would say Constable Lamorie phoned me, on many, many occasions. I phoned him on relatively few occasions. He was living in the city here for a period prior to moving to Crystal Beach after his resignation. We saw one another quite often.

MR MACKINNON: Q. He said not only did you see one another very often but you telephoned one another very often. What was all that about, that you would be seeing one another so regularly and telephoning one another so regularly?

A. Nothing in particular. It seems to me Constable Lamorie phoned me on many occasions which the conversation didn't warrant.

Q. After he had spoken to Sammy Balsam from St. Catharines?

A. I don't know.

Q. Didn't he tell you that he had been speaking to Sammy Balsam?

A. No.

Q. On several occasions?

A. No.

Q. He never discussed that?

A. No.

Q. And what Sammy was doing to do or say?

A. No.

Q. Incidentally, on this trip to

Ottawa did you and Lamoric register under your own names in the motel?

A. Yes.

Q. Do you know the motel that you stayed at?

A. No, sir, I don't. I believe it was on Carling Road.

Q. Was it a new one, a very new one?

A. Yes, I would say it was relatively new, a relatively new motel.

THE COMMISSIONER: Q. Are you sure you registered under your own name?

A. Yes, my lord, quite sure.

MR MACKINNON: Q. Can you give us any better than Carling Road?

A. No, I cannot.

Q. Was it out in the country or was it in the city?

A. No, I believe it was in the city proper; it was quite a busy street. It was in the city proper. I am not that familiar with Ottawa.

Q. Was there any golf course near it?

A. No, I don't believe so. I could be mistaken about the Carling Road but I think it was Carling Road that it was on.

MR MACKINNON: That is all for now,

Q. Did you see some Samoans when you
saw Tuvoa in the motel?

A. Yes.

Q. Do you know the motel that you
stayed at?

A. No, sir, I don't. I believe it was
on Cowling Road.

Q. Was it a new one, a very new
one?

A. Yes, I would say it was relatively
new, a relatively new motel.

Mr. [illegible]: Q. Are you sure
my recollection serves you not?

A. Yes, my good, quite sure.

Mr. [illegible]: Q. Did you give me any
better time working from?

A. No, I remember.

Q. Was it not in the country or was it
in the city?

A. No, I believe it was in the city
[illegible]; it was quite a busy street. It was in the
city [illegible]. I do not think Cowling was
[illegible].

Q. Do these [illegible] your
[illegible]?

A. No, I don't believe so. I
[illegible] Cowling Road.

Q. But I think it was Cowling Road that it was
[illegible].

Mr. [illegible]: That is all for now.

Witness.

THE COMMISSIONER: Adjourn until two-fifteen.

---Whereupon the Hearing adjourned at ~~12x~~ 1.10 P.M. until 2.15 P.M.

(Page 6400 follows)

--- On resuming at 2.30 p.m.

GILBERT COAH BARTON LAWRENCE resumed stand:

THE COMMISSIONER: Have you any more questions, Mr. MacKinnon?

MR. MacKINNON: No, my lord.

THE COMMISSIONER: Any questions, Mr. Shime?

MR. SHIME: Yes, my lord.

EXAMINED BY MR. SHIME:

Q. P. C. Lawrence, you stated you phoned Constable Scott after you heard about your suspension, and you claimed the reason for that was because you had been playing poker at the Alpine Club, is that correct?

A. Yes, sir.

Q. Did you subsequently speak to P.C. Lamorie about your suspension?

A. At what time was that sir? You mean the same day?

Q. The same day.

A. Yes.

Q. And did you phone him because you suspected that he would be suspended because he was playing cards or poker at the Alpine Club?

A. Yes.

— In [illegible] 19[illegible]

[illegible] Court of Criminal [illegible]

MR. [illegible]: Have you any more [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

MR. [illegible]: Yes, my lord.

[illegible] [illegible]:

Q. Mr. Lawrence, you stated you phone Constable Scott after you heard about your conversation, and you claimed the reason for that was because you had been playing pool at the Lodge Club, is that correct?

A. Yes, sir.

Q. Did you subsequently speak to P.C. [illegible] your suspicion?

A. At about time was that sir? You mean the same day?

Q. The same day.

A. Yes.

Q. And did you point his because you suspected that he could be implicated because he was playing cards or poker at the Lodge Club?

A. Yes.

Q. Did you say anything to him about gambling tip offs to McDermott and Feeley?

A. No, I don't recall that.

Q. Now I want to read to you from F.C. Lamorie's evidence at page 6108; he talked about being suspended -- he discussed a conversation with you in which he said,

" We talked about being suspended." ('We' being you and Lamorie):

"Q. What did he tell you the reason
" was that he was suspended?
"A. That someone said he had
" something to do with some
" gamblers.
"Q. With what gamblers?
"A. With McDermott and Feeley and
" Sammie Balsom.
"Q. That is what he told you on
" the Sunday when you came over
" to Toronto?
"A. Yes.
"Q. As the reason for his suspension?
"A. Yes. "

Now, do you recall that conversation with F.C. Lamorie?

A. Not specifically with regards to McDermott and Feeley. As I recall, I

Q. Did you say anything to him about getting his office to a department and

Answer:

A. No, I didn't recall that.

Q. Now I want to read to you from Mr. Lansdale's evidence at page 6183: In [illegible] — In Jacksonville a conversation with you in which he said,

"Q. Did you say anything to him about Lansdale?

"A. What did he tell you the reason

" was that he was suspended?

"A. Just someone said he had

" something to do with some

" politics.

"Q. With what candidate?

"A. With Mechanott and Tealey and

" Angela Mizzoni.

"Q. Did I forget to tell you on

" this Sunday when you came over

" to Jacksonville?

"A. Yes.

"Q. As the reason for his suspension?

"A. Yes."

Now, do you recall that conversation with Mr. Lansdale?

A. Yes, certainly with respect to Mechanott and Tealey. I recall I

mentioned to him something to the effect about Commissioner Clark having mentioned Sammie Balsom and Petrochenko, and I do not recall having mentioned McDermott and Feeley to him.

Q. So if he says that, he would be lying, is that right?

A. I don't see any reason why he would lie. I would not say he was lying, I would be inclined tothink ---

Q. He would be mistaken?

A. Well as my -- I would be inclined to say so, according to my recollection of the conversation.

Q. Now, whose idea was it for you to go to David Humphreys the lawyer? Was it your idea, or Lamorie's?

A. I believe it was mine.

Q. And how long did you spend -- now, you had a prior telephone conversation with P.C. Lamorie, is that correct?

A. Yes, sir.

Q. And did you discuss McDermott and Feeley and Balsom with him at that time?

A. I don't recall. I believe I discussed with him, or mentioned to him, that the Commissioner had mentioned, or asked me whether I was doing any business with Sammie Balsom. I don't recall having mentioned McDermott and Feeley, and I believe I mentioned

surprised to hear anything to the effect that [illegible] [illegible] [illegible]

Petrochenko.

Q. Page 6111 of the evidence:

"Q. It shocked you when Lawrence

" called you at --"(this is P.C.

(Lamorie's evidence) --

"Q. It shocked you when Lawrence

" called you at Ridgeway and told

" you he had been suspended?

"A. Yes.

"Q. I suggest you asked him why?

"A. Yes.

"Q. And I suppose he said he had

" something to do with the gamblers,

" McDermott, Feeley and Balsom?

"A. That's right. "

Now, was P.C. Lamorie right when he said that?

A. I believe he was. I believe I stated that I had been suspended, primarily because I thought it was I went to the Alpine Club, and I believe I mentioned to him at the time that the Commissioner had mentioned other names, who they were specifically, I don't recall exactly what I told Lamorie, but I do believe it was that.

Q. Now, how many times have you spoken to Lamorie since the suspension?

A. Well I don't know, it would be a great many times, twenty-five, thirty, or more, perhaps.

"Q. Have full of you drinking?

"A. It shocked you when someone

" called you a liar.--(Long at 100 (Counsel's evidence) --

"Q. It annoyed you when someone

" called you a liar, and this

"A. Yes.

"Q. I suppose you knew his wife?

"A. Yes.

"Q. And I suppose he said he had

" something to do with the quarrel.

" Seriously, Tyler, are drinking

"A. THAT'S FUNNY.--

Now, Mr. . Is anyone right when he said that?

A. I believe he was. I believe I should have I had been suspicion. Naturally because I thought it was I went to the Alpine club, and I believe I mentioned to him at the time that the Commodore had continued other claim, who they were predicting. I don't recall exactly what I said Lamont. But I do believe it was true.

Q. Why, Mr. Tyler, you and Mr. Lamont (Cross Examination)

A. Well I don't know. It would be a great very claim, importing, Tyler, or Smith, yes.

Q. Forty times you phoned him long distance?

A. No, I haven't phoned him long distance forty times, or anything like it.

Q. I asked you how many times you ever phoned him long distance?

A. I would be inclined to think half a dozen times - six times possibly.

Q. And who paid for those phone calls?

A. I did.

Q. You didn't phone collect to Mr. Lamorie like you did to Mr. Humphreys?

A. No.

Q. Why did you call him?

A. Possibly on two or three occasions I was speaking to him with regards to his car, and probably on all occasions, certainly the incidents - the foregoing incidents had been mentioned, and talked about, the fact that the current trials of Bob Wright - possibly they were discussed, I know.

Q. You mean you phoned him long distance to discuss his car with him?

A. Yes, I believe I did, as to when he was bringing it over.

Q. In your calls to Mr. Humphrey you did not seem to have enough money to phone long distance, yet your long distance calls

Q. Did you ever phone Mr. Lang

anyone?

A. No, I haven't phoned Mr. Lang

telephone lately Lang, or anything like it.

Q. I asked you not many times you

also around Mr. Lang lately?

A. I would be inclined to take

half a dozen times - it's hard remember.

Q. And who did you talk to those phone

calls?

A. I did.

Q. You didn't phone collect do it.

remember like you did to Mr. Hunsberger?

A. No.

Q. Why did you call him?

A. Mostly on two or three occasions

I was annoying to him with regards to his car.

had problems of all descriptions, especially the

last twice - the foregoing incidents had been

mentioned, and talked about, the last time the

account was in or Bob Wright - possibly they

were discussed, I know.

Q. You have you passed his home

distance to discuss his car with him?

A. Yes, I believe I did, as he

was in was bringing it over.

Q. In your calls to Mr. Hunsberger

you did not seem to have another money to make

local charges, for your long distance calls

to discuss your car you did.

A. I charged it to my own number. I phoned from my own home, and at the particular time that I did make the telephone call to Mr. Humphrey, as I recall, I did not have very much money on me, and for that reason I charged it, I believe.

Q. Now P.C. Lamorie says at page 6121:

"Q. You met him personally at
" least ten times?
"A. Yes; anyhow, at least ten
" times.
"Q. And in addition you called him
" on the phone, how often?
"A. In the last two years?
"Q. Since you were suspended?
"A. A great number of times.
"Q. Twenty?
"A. We will say forty.
"Q. Forty times?
"A. Yes."

Now that was a lot of telephone conversation with P.C. Lamorie - three times you discussed his car, you discussed the investigation for thirty-seven times?

A. Yes -- well, I don't know how many times it was. He may be correct, however forty times seems a little too many

to discuss your car you did.

A. I arranged to my own number. I phoned from my own home, and at the particular time that I did make the telephone call to Mr. Hennessy, as I recall, I did not have very much money on me, and for that reason I borrowed it, I believe.

"Q. Now, Hennessy did you pass bills?

"A. You mean intentionally or

" Issued them thereby

"A. Yes; anyhow, he issued them

" Yes.

"Q. And in addition you called him

" On the phone, or what?

"A. In the last two years.

"Q. Which you was mentioned?

"A. A great number of times.

"Q. Yes?

"A. We will say twenty.

"Q. Twenty times?

"A. Yes.

"Q. Did you a lot of telephone conversations with Mr. Hennessy - those times you discussed his car, you discussed the investigation for thirty-seven times?

A. Yes -- well, I don't know how many times it was. He may be correct, however forty times seems a little too many

to me. It could be, but I don't think so.

Q. Might it have been possible you spoke to him forty times?

A. It is possible.

Q. You told us about three times about the car, what else did you discuss, other than these investigations?

A. I don't actually recall sir, unless it was a matter of when am I coming over to visit him, or when am I going to to bring my wife and family over, or when he is going to bring his wife and family over, and how is his job coming on, and if there is any sign of any good work in Toronto, and general conversation as I recall.

Q. And with all these long distance telephone calls, did you ever think of writing to him?

A. Well I don't particularly like writing letters. I don't believe I ever had written him.

THE COMMISSIONER: Some things you would not put in a letter.

THE WITNESS: There is nothing that I would put in a letter, my lord, that I would not say here on the stand.

MR. SHIME: Now you say you went to Mr. Ecclestone on your own to retain him to sue F.C. Scott, is that correct?

to do. It would do, but I don't think so.

Q. Might it have been possible you spoke to him twice?

A. No, it is impossible.

Q. You will be asked these questions and they will also be asked you tomorrow, when the issue discussion.

A. I don't understand exactly sir.

Unless it was a matter of week as I coming over to visit him, or when as I going to be going my wife and family over, or when he is going to leave his wife and family over, and he is his London man, and if there is any what of my good work in Toronto, and general conversation and [illegible]

Q. And with all these long distance talk from Colin, did you ever think of raising the rate?

A. Well I don't particularly like outside interest. I don't believe I ever had private talk.

The Commissioner: Some things you should not put in a letter.

Mr. [illegible]: There is nothing sor I could put in a letter, my lord, that I would not say here on the stand.

Mr. [illegible]: Now you say you were to be, [illegible] to do as you can to retain Mr. [illegible], is that correct?

A. That was my thought in mind - one of my thoughts in mind when I went to see Mr. Ecclestone, yes.

Q. How did you come to choose Mr. Ecclestone?

A. As I recall I had known the name Ecclestone as being a good lawyer. I believe I went to him on my own initiative. I believe I called him without having the name suggested to me, or anything like that. I can only say I believe I went to him on my own knowledge of the man's name.

Q. Do you know if you went to him on your own knowledge, or did you just believe?

A. I believe that certainly. I do not believe anyone suggested I go to him.

THE COMMISSIONER: Why do you put it that way, that you believe that?

THE WITNESS: Well I would say this, my lord ---

THE COMMISSIONER: Are you reasoning this out?

THE WITNESS: I am not reasoning this out. I am going according to my memory. I cannot recall anyone having suggested I go to Mr. Ecclestone. I simply have heard his name before, and I believe he was a good lawyer, and I could not recall, or I had no knowledge

A. That was my honest in mind - one of my thoughts in that when I went to see Mr. Cochran's, yes.

Q. How did you come to choose Mr. Cochran?

A. As I recall I had known the name Cochrane as being a good lawyer. I believe I went to him on my own initiative. I believe I called his attorney having the same impression of my regarding him. I can only say I believe I went to him on my own knowledge of the man's name.

Q. Do you know if you went to him on your own knowledge, or did you just believe?

A. I believe that certainly. I do not believe anyone suggested I go to him.

The Court Reporter: Why do you put it that way, that you believe that?

The Witness: Well I recall only that, my lord --

The Commissioner: Are you remembering that now?

The Witness: I am not remembering that now. I am going according to my memory. I cannot recall anyone having suggested I go to Mr. Cochrane. I simply have heard his name mentioned, and I believe he was a good lawyer, and I going for result, or I was no consciously

of any other relations that he had with any other persons involved, so that is why I went to him.

MR. SHIRK: Page 6135 of P.C. Lamorie's evidence:

"MR. WILSON: Q. Was it just before
" you completed this affidavit
" that Mr. Humphrey sent you to
" Mr. Ecclestone?
"A. I guess -- Yes. "

and further on:

"Q. You did it pretty quickly,
" didn't you?
"A. I don't know whether it was
" quickly or not. Sometime --
" I can't remember exactly.
"Q. Who called you over, or did you
" come over yourself from Crystal
" Beach to meet with Lawrence and
" See Humphrey when this information
" came out in the paper?
"A. I met Carmon, yes.
"Q. I know you met him, but did he
" call you to come over?
" A. Yes, I think, yes.
"Q. Then, the two of you saw
" Humphrey and he sent you on to
" Ecclestone?
"A. Yes. "

of any other knowledge that he had with any other person involved, so that is why I asked to see.

MR. MILLER: Does [illegible] of [illegible]

Lancelin's evidence:

"Q. [illegible] - you are in the best position

" you complete this affidavit

" [illegible], [illegible] and so

" Mr. Lancelin?

"A. I guess -- Yes. "

and further on:

"Q. You did in pretty quickly,

" didn't you?

"A. I don't know whether it was

" [illegible] or [illegible]. Anything -

" I don't remember exactly.

"Q. Was called you over, or did you

" [illegible] directly from Crystal

" [illegible] to meet with [illegible] and

" [illegible] a [illegible]

" come out in the paper?

" I was [illegible] Yes.

"Q. I know you not [illegible], but did he

" or I not to come over?

" A. Yes, I [illegible] Yes.

"Q. [illegible] the [illegible]

" [illegible] and he said you on to

" [illegible]

"A. Yes. "

A. No, that is not my recollection. Mr. Humphrey might have suggested a number of lawyers, but I don't specifically recall that he suggested the name Ecclestone.

Q. Now P.C. Lamorie had come over from Crystal Beach, and I suppose that this would be pretty fresh in his memory, coming all the way from Crystal Beach. Do you think he would be mistaken when he said this?

A. Mistaken with regards to him saying that Mr. Humphrey suggested he go there?

Q. Yes.

A. He must be mistaken, because I don't remember Mr. Humphrey having suggested that. As I say, if he suggested it to P.C. Lamorie, it was unbeknown to me, and the actual connection with Mr. Ecclestone, I believe, was on mostly on my initiative. I believe I suggested Ecclestone, and I believe I went there on my initiative.

Q. Why did you call P.C. Lamorie, to come from Crystal Beach to meet with Mr. Humphrey?

A. I am not entirely sure. I cannot recall, but I do recall I was kind of anxious I think, to have Constable Lamorie swear out an affidavit similar to mine. Certainly I would want his evidence to support mine in the event

[illegible] Q. [illegible], does it not by possibility,

[illegible], [illegible] to [illegible] a number of

[illegible], and [illegible] possibly result

in [illegible] conditions.

A. [illegible] [illegible] for [illegible]

over [illegible], and I [illegible] this

[illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]

you think [illegible] [illegible] [illegible] in [illegible]

[illegible]?

A. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] that [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible].

A. Yes.

Q. [illegible] [illegible] [illegible], [illegible]

[illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible], and [illegible]

[illegible] [illegible] [illegible] [illegible], [illegible] [illegible],

[illegible] [illegible] [illegible] [illegible]. [illegible] [illegible]

[illegible] [illegible] [illegible], and [illegible] [illegible]

[illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible]

A. [illegible] [illegible] [illegible]. [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

anything were to happen to him.

Q. What were you afraid would happen to him?

A. Nothing whatsoever. I wasn't afraid ---

Q. You said if something were to happen to him.

A. Yes. I wasn't afraid that anything would. I had no thought anything would.

Q. You wanted your affidavits to jibe, is that correct?

A. No, it is not correct.

Q. You just said you wanted to get your story straight.

A. I didn't say that. I said I was - perhaps I wanted to get Constable Lamorie to swear out an affidavit also, to support me in the event anything ever happened to anyone of us.

Q. If his affidavit supported yours, the affidavits will have to be the same, wouldn't they?

A. Yes.

Q. So then you discussed the affidavit with him?

A. Yes, I did.

Q. And the affidavits would state both your stories out, and his affidavit would

support yours, and your affidavit would support his? Is that correct?

A. Yes, that is quite true.

Q. Now you say that you just spoke to Mr. Humphrey briefly about what was going on, is that correct? That was about your suspension?

A. Yes, briefly I would -- well, not too briefly. I would say we had - I don't know, approximately an hour's discussion, may be less.

Q. An hour's discussion, what did you discuss in the ~~hxxxx~~ hour, tell us a little more exactly?

A. Well we discussed my suspension. I believe I discussed the fact that I had been going - I had played poker at the Alpine Club with a number of other officers, and the fact, I believe, that Constable Lamorie stated that he had seen, or thought he had seen a rake-off there, and the conversation that took place in Assistant Commissioner Kennedy's office at the time of my suspension, and I believe that was all discussed at that time.

Q. And you subsequently drove with Mr. Humphrey to see Francis Salsom in Burlington, is that correct?

MR. COMMISSIONER: Yes, that is correct.

THE WITNESS: Yes, that was on the following evening, I believe.

MR. SHIME: And you had a full discussion with Mr. Humphrey. Why would you have to go down to Burlington to see Mr. Balsom? Why couldn't Mr. Balsom come up to Toronto and speak to Mr. Humphrey?

A. I suppose he could, but I was speaking to Mr. Balsom on the telephone in Mr. Humphrey's office, and ---

Q. Who phoned Mr. Balsom?

A. Nobody. I believe Mr. Balsom phoned Mr. Humphrey's office.

Q. You all agreed to go down to Burlington?

A. Yes.

Q. Why was it necessary for you to go to Burlington?

A. Well I was anxious to speak to Mr. Balsom with regards to what Commissioner Clark had said in his office - Assistant Commissioner Kennedy's office.

Q. You could have telephoned him, couldn't you?

A. I could have discussed it there on the telephone while he was on the telephone quite easily, but I wanted to see what he said in person. I was interested primarily in his reactions to my questions.

Q. And then you subsequently arranged the meeting at the bowling alley on Yonge Street?

A. Yes.

THE COMMISSIONER: Yes, that is correct.

A. Yes.

MR. SHIME: Why would you have to arrange another meeting?

A. Well actually the purpose of that meeting was not really to talk to Mr. Balsom -- I was anxious to hear Mr. Petrochenko. I was anxious to find out what he had said, or what stories he had carried, if any. I was of the opinion that these two gentlemen might have been making some boastful remarks in their area amongst their bettors and bookmaker friends, and that they had boasted that Lamorie and myself was involved with them.

Q. Why did you request Lamorie and Balsom to drive all the way to Port Erie to discuss this with you, if you did not need Balsom, and you only wanted to speak to Petrochenko? Couldn't you speak to him alone?

A. Yes. I did not know that Balsom came along, really.

Q. You did not arrange it?

A. No.

Q. You did not arrange for Lamorie to come in?

A. No, I had spoken to Lamorie on the telephone?

Q. Did you arrange the place to meet?

A. Yes, I believe I did. I think perhaps I did, although I am not positive on that. I knew that bowling alley quite well myself, and several of the other members of the branch went there to play billiards.

Q. Now to get back to the rake-off at the Alpine Club. Did you know there was a rake off at the Alpine Club?

THE COMMISSIONER: Mr. Shime he has several times said that he did not know.

THE WITNESS: No.

MR. SHIME: I want to read him P.C. Lamorie's evidence.

THE COMMISSIONER: Well, hasn't that been read this morning?

MR. SHIME: All right then.

THE COMMISSIONER: I don't want to shut you off on any new ground you wish to cover, but you are merely covering the same ground that has already been covered. It is an unnecessary waste of time.

MR. SHIME: Very well, my lord, that is all, thank you.

THE COMMISSIONER: You have no more questions?

MR. SHIMS: No.

THE COMMISSIONER: Mr. MacKinnon, any questions?

MR. MacKINNON: No questions.

THE COMMISSIONER: Mr. Wilson, have you any questions?

MR. WILSON: Yes.

EXAMINED BY MR. WILSON:

Q. The witness referred to a report, that he thought should be introduced.

THE COMMISSIONER: Yes.

A. Yes.

MR. WILSON: I show you a report dated May 11th, 1960, is that the report you have in mind?

A. I believe the report that I was referring to ---

THE COMMISSIONER: Is that the report?

THE WITNESS: No, the report that I had in mind was one outlining the condition of a billiard table, and I considered myself an expert witness at that time with

1 regards to ---

2 MR. WILSON: I see that that report

3 refers back to a report of April 27th?

4 A. Yes, I believe this is the report

5 here, in connection with the billiard table

6 (indicating) that I thought was ---

7

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13 (Page 6420 follows)

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Q. And I take it the part of the report of April 27th you draw attention to is paragraph three?

A. That is correct.

Q. Where you made a report on the condition of the premises, and in particular, on the condition of the billiard table?

A. That is correct.

Q. On the premises.

BY THE COMMISSIONER:

Q. Is that the one you were anxious should be filed here?

A. Yes, it is.

BY MR. WILSON:

Q. Then in the later report of May 11th, 1960, you point out in paragraph three of that report that the table cloth on the billiard table had been replaced?

A. I was referring to -- may -- am I permitted to read that section of the report pertaining to my observations?

THE COMMISSIONER: Surely. Read anything you want to.

BY MR. WILSON:

Q. Which report is that?

A. This is the report dated April 27th, 1960. I will refer to paragraph three of that report. I will read it thus:

" During the months of March,

"April and May, 1959, this writer
"conducted observations of this
"club and it was established that
"the premises was used only during
"the hours of approximately 10:30
"p.m. to 6:00 a.m. The majority of
"the patrons would leave within a
"short period of each other as would
"be the case when a gambling opera-
"tion closed up for the night.
"Look-outs are on duty in the
"parking lot and in a porch leading
"to the entrance of this club. These
"men bear the title of Parking
"Attendants. The doors are of
"heavy construction and our entrance
"is always delayed until it is
"opened at their convenience. The
"time for them to do this is always
"sufficient to conceal evidence of
"a bank dice game operation. When
"we finally gain entrance and proceed
"to the second floor several men are
"engaged in various card games at
"seven card-tables. These tables
"and the floor area around them are
"always clean and lack the usual
"cigarette butts that would be
"expected of several men when playing

"cards. A billiard table is located
"in this room and the ash trays
"surrounding this table always con-
"tain several cigarette and cigar
"butts which suggest a concentrated
"activity in this area. The afore-
"mentioned facts and several other
"inferences clearly indicate that
"this is not a bona fide club and
"the persons that frequent this
"premises do so solely for the pur-
"pose of gambling. The billiard
"table previously mentioned is worn
"at the ends and the sides and the
"table-cloth is worn in areas that
"are normally in constant use during
"a bank dice game as observed by
"this writer in the course of an
"undercover investigation of three
"club premises against which convic-
"tions were obtained. At times I
"am an avid billiard player and I
"have patronized several billiard
"and pool rooms throughout Ontario
"and I have yet to see a table worn
"only in areas such as found in this
"club and the three premises pre-
"viously mentioned."

I would submit that that is not the type of

report that would be submitted by a policeman who was doing business with these people. I honestly felt at that time when I submitted this report on April 27th that my observations along with other facts should have established a prima facie case against this club. There was another interesting item in this report. This report is dated May 11th, 1960, and in paragraph three, which is my observation section -- this report is with regard to a raid that took place on May 4th, 1960. Paragraph three reads:

"On Saturday, April 23rd, 1960,
"a raid was conducted at this club,
"as noted in my report dated April 27th,
"1960. Paragraph #3 of that report
"made reference to a billiard table
"located on the second floor. At
"that time the billiard table cloth
"was worn in areas that are in
"constant use in the operation of a
"bank dice game, as observed by
"this writer in the course of an
"undercover investigation. On this
"recent raid it was noted that the
"billiard cloth has been replaced
"with a new one. An examination of
"this second floor of the club
"revealed a total of 36 cigar and
"cigarette butts located in various

"ash trays and on the floor. Of this "number, a total of 26 butts were "found in ash trays and on the floor "around the billiard table. This "evidence of the concentration of "butts around the billiard table "clearly indicates the area of "activity.

Respectfully submitted,

'W.C.B. Lawrence'."

I submit again that this is not the type of report that would be submitted by a police officer having illegal business dealings with these people.

THE COMMISSIONER: The reports would not help much if there were tip-offs.

THE WITNESS: I was under the impression --

THE COMMISSIONER: A report like that byitself is not considered --

BY MR. WILSON:

Q. You were aware at the time you made the April 27th report that hearings had been held by the Deputy Provincial Secretary to show cause why the charter of that club not be cancelled?

A. Yes, I was aware of that.

Q. That will be an exhibit.

THE COMMISSIONER: Put them in

together as one exhibit.

EXHIBIT NO. 177: Two reports prepared by the witness Lawrence under dates of April 27th, 1960, and May 11th, 1960.

BY MR. MacKINNON:

Q. May I ask a few questions? Witness, these reports which you apparently place so much reliance in, I suggest there is nothing new in those reports. The police had known these things for years. You were not giving anything away.

A. Yes, I was.

Q. What were you? What was new?

A. The most damning evidence I was able to give them. I was considered to be the squad expert.

Q. What were your observations, the billiard table being --

A. Worn in areas in heavy use in the bank dice game.

Q. Are you suggesting this was not known to the police? We have had it in report after report.

A. I say this. No other person at the Anti-gambling Branch could testify to it due to lack of experience.

Q. Could not testify that the billiard table cloth was worn?

A. They could testify to that, but not to the manner in which it was worn.

Q. The other thing that rather interests me -- I am going to read you from something you haven't had reference to before from Scott's eighth report dated May 9th, 1960. He is talking about the phone call he had from Joe McDermott on May 2nd, just between these two reports.

A. Yes.

Q. He said:

"I was told about the raid on "Petrychanko. Petrychanko was one "of the bookmakers the other guys "were looking after and he was "pretty mad about being caught. "Lamorie told his contact that "Sergeant Anderson was suspicious .."

THE COMMISSIONER: What date is that?

MR. MACKIRDY: This is May 9th, the date of the report. May 2nd is the date of the statement. This is on page 22, I believe:

"Lamorie told his contact that "Sergeant Anderson was suspicious "and that when Lamorie went to use "a phone by the coffee shop (this "would be the public phone in the "lobby) Sergeant Anderson was

"following him. This has got

"Lawrence worried sick."

So you prepared a self-serving document?

A. No. I suggest to you, Mr. MacKinnon Sergeant Anderson or Constable Moore mentioned to Constable Scott about this alleged attempt by Lamorie to go to a telephone and I suggest to you possibly Constable Scott told McDermott that.

Q. That is your explanation?

A. It would be interesting to find out whether Sergeant Anderson or Constable Moore did tell Constable Scott this.

Q. I suggest to you either you or Lamorie told McDermott about this?

A. No, that is not the case.

Q. There is no doubt he had correct information?

A. There is no doubt about that.

Q. You knew Lamorie had been followed by Sergeant Anderson?

A. Yes, according to Sergeant Anderson.

Q. And according to Lamorie. You were his closest friend.

A. Lamorie never mentioned anything to that effect to me.

Q. He wasn't upset by Sergeant Anderson spying on him?

A. I don't recall it ever being mentioned.

Q. Are you telling us you didn't know anything about it until this Commission started?

A. I am telling you I don't recall anything about it until Sergeant Anderson gave it in evidence.

Q. Here?

A. I believe it was here.

Q. You also state in these two statements that between the time you made your first report and the second report, this condition of the table cloth had been remedied?

A. It had.

Q. Somebody must have told them?

A. I would think so. I don't know, but it certainly indicates to me somebody did.

Q. Why would you think would be telling the gamblers?

A. I have no idea.

Q. It wouldn't be you, of course?

A. Certainly not.

Q. Nor your friend Lamorie?

A. Not that I know of.

Q. That is all, thank you.

THE COMMISSIONER: That is all. The witness just stands down.

-- The witness stood down.

MR. WILSON: Now we will have Mr. Lamorie.

K. C. Lamorie, Recalled.

CROSS-EXAMINED BY MR. MACKINNON

Q. You were given some instructions by the Commissioner last week. Did you abide by them?

A. Yes, sir, I did.

Q. Did Sammy Salsom try to get in touch with you?

A. Not to my knowledge.

Q. No one suggested that he had?

A. No, sir.

Q. You are sure of that?

A. Yes, sir.

Q. Are you prepared to tell the truth today, Mr. Lamorie?

A. I told the truth the last time I was here.

Q. Are you sure of that?

A. Yes, sir, as far as I can remember, I did.

Q. You told the Commissioner when he asked you that you knew what perjury was and the penalty therefor. What is the penalty for perjury?

A. A jail sentence. I don't know how long it is but --

Q. You haven't been told that?

A. No, I haven't.

Q. The Commissioner has advised various witnesses as it appears in the Criminal Code, the maximum penalty is fourteen years. Now, is there anything -- before I start my cross-examination, I will give you this opportunity. Is there anything in the evidence you gave last day that you would now like to change? You can think about it as long as you like.

A. I can't recall anything.

Q. There is nothing that you would like to change in your evidence?

A. Not that I can remember, no.

Q. Why did you resign so quickly and so readily?

A. Why? Well, as I said, I was fed up with the police force, so I thought I would resign. That is all.

Q. You didn't tell anybody you were fed up with the police force?

A. I don't know if I did or not. I can't remember.

Q. I suggest to you you hadn't.

A. It is quite possible, but as I say, I can't recall.

Q. I thought your evidence last day was that you were afraid you might be shifted out of the -- or that you wanted really to get

shifted out of Toronto?

A. I wanted to?

Q. Yes. Toronto was too expensive. Isn't that what you said?

A. I don't recall that.

Q. Why were you fed up with the police force?

A. Well, I got tired of going to the hometown places and having to do work there and -- well, I just got sort of fed up with it.

BY THE COMMISSIONER:

Q. Going to hometown places and doing work there and what?

A. Undercover work and arresting people and that.

Q. That is what you wanted.

A. Yes, sir, but not -- that is different. I had to go to my hometown and do these things.

BY MR. MacKINNON:

Q. Witness, you were married at that time. You got married quite young.

A. Yes.

Q. You had two children at this time?

A. At what time?

Q. 1950, May, when you suddenly up and resigned.

A. I had one.

Q. Pardon?

A. One.

Q. Was your wife pregnant at that time?

A. Yes.

Q. So you had one and there was -- you were expecting another child. Did you have assets? Did you have money in the bank at this time?

A. No, sir.

Q. You had no job to go to?

BY THE COMMISSIONER:

Q. Wait a minute. You were asked if you had any money.

A. Yes. I don't know. I don't recall how much money I had. My wife taught school here and we probably had a little money. I can't recall how much.

BY MR. MacAINNON:

Q. I understood you to say last day you had no money. Now you think you had a little. It could not be very much in any event.

A. No.

Q. What were you going to live on that you should suddenly resign?

A. Another job.

Q. You did not get another job?

A. That is right. I didn't.

Q. And you have nothing to go to,

no prospective job. Why didn't you stay on while you looked around for another job?

A. I just felt I could find another work of employment.

Q. But wouldn't it have been a better idea to have stayed on while you looked around for another job?

A. It probably would have been.

Q. But you decided the same day you were suspended you would go and resign and you handed in your resignation the same day. Sergeant Anderson told us on the Monday night you and Lawrence came along to him and handed in resignations. Is that correct?

A. Yes.

Q. You didn't take very long to think about it, did you?

A. No, I guess not.

Q. And, in fact, you went for a holiday right afterwards?

A. Not a holiday. It was just a day.

Q. We have had it described by Lawrence as a holiday.

A. It was just a day or two. I don't consider that a holiday.

Q. You were away for four or five days?

A. No, two days.

Q. Pardon?

A. Two days.

BY THE COMMISSIONER:

Q. If it was not a holiday, what was it?

A. I don't know what you classify a holiday. I don't see that that is a holiday.

Q. What was the purpose of the trip?

A. The purpose of the trip was to get away from this publicity.

BY MR. MacKINNON:

Q. What publicity?

A. That was in the papers.

Q. What was in the papers? This is something I am very interested in. You tell me what was in the papers about you and Lawrence and Balsom or anyone else.

A. There were accusations in the papers.

Q. Are you trying to tell me there were accusations in the papers on May 29th and 30th, 1960?

A. I believe there were.

Q. I suggest to you there was nothing in the papers except if there was anything at all, it was that Wright had been arrested and that is the amount of it.

A. I don't recall, but I think

there was more than that.

Q. What was there? You tell me now under oath what there was about you in the papers.

A. It had mentioned myself somewhere or another. I just can't recall.

Q. What papers? I am prepared to have the three Toronto papers looked at.

A. I can't recall what paper. It might have been them all.

Q. And this is your reason and if we find nothing in the papers about you, it must have been some other reason that sent you on your trip?

A. No other reason, I just decided to go away for a day.

Q. You said because of the publicity.

A. That is quite true.

BY THE COMMISSIONER:

Q. There was not any publicity at that time.

A. I believe there was, My Lord. I just can't recall.

Q. Are you just guessing now?

A. No. At the time I am sure there was.

BY MR. MacKINNON:

Q. So far as we are concerned, we have checked to the best of our ability and found

nothing. Does that help you?

A. I was quite sure there was.

Q. If we didn't find anything, could there be another reason for your trip?

A. No, sir, there was no reason at all. I just went away -- that's all -- no reason.

Q. Went away without a job and left the only job you had -- made up your mind in the space of about eight hours you were just going to quit the job you had been at for three years?

A. Two and a half years.

Q. Two and a half years. Did you have any training for any other kind of job?

A. No, sir.

Q. And you have a wife and family?

A. That is right.

Q. I still -- did you feel that at that stage, you were an honest honourable police officer?

A. Yes, sir.

Q. Pardon?

A. Yes, sir.

Q. You knew you were resigning under a cloud. You were being accused of certain things?

A. That is right.

Q. Why did you resign? Why didn't

you stay and fight it out?

A. I should have now, I guess.

Q. Why didn't you then?

A. As I said, there is no reason. I was just fed up.

Q. There is only one reason. You knew you were guilty of what you were being charged with?

A. That is not right.

Q. But you don't know why you did it except the reason I give you is not the reason, but you can't give me a reason?

A. Why what?

Q. Why you resigned so easily and so quickly, a married man with a family and no job and no prospects.

A. That isn't the only job in the world. There are lots of other jobs around.

Q. There may be but you didn't have one and you didn't have one to go to.

A. That is right.

Q. You take some responsibility for your family, I take it?

A. That is correct, naturally.

Q. But you wouldn't hang on for two weeks while you looked for another job. Too dangerous, I take it?

A. I don't see any danger. What danger?

Q. You were afraid of being faced with charges you couldn't answer, I suggest?

A. No, sir, that is not true.

Q. Then we have heard from both you and Lawrence that you phoned Humphrey as soon as you got out on the road on your little trip. You don't like to call it a vacation, but you were getting away from it all anyway, the non-existent publicity which was bothering you and you phoned from Ottawa again. Is that correct?

A. Yes.

Q. And then you split up, did you? Whose car were you driving in?

A. We had our own cars.

Q. Each of you?

A. Yes.

Q. Where did you go from Ottawa?

A. Nowhere.

Q. You didn't stay in Ottawa all the rest of the time?

A. I stayed overnight in Ottawa.

Q. Then what did you and Lawrence do?

A. What did we do?

Q. That is right.

A. I believe Lawrence went home the next morning.

Q. Where is that?

A. Back to Toronto.

Q. Where did you go?

A. I think I might have stayed another night. I am not too sure.

Q. You were lengthening it already?

A. I can't recall if I came home that night or not.

Q. Did you register under your name in this motel?

A. I believe I did.

Q. What was the name of the motel?

A. I have no idea.

Q. Where was it located?

A. I couldn't honestly tell you where it was located.

Q. Was it on Carling Avenue?

A. As I say, I couldn't really tell you.

Q. And after you stayed this extra day, where did you go?

A. I came back to Toronto.

BY THE COMMISSIONER:

Q. You stopped at Kingston on the way home, didn't you?

A. On the way home?

Q. Yes.

A. No.

BY MR. MacKINNON:

Q. Did you phone Mr. Humphrey a

second time from Ottawa after you stayed there the second day?

A. No, I don't believe so.

Q. Did you not call him collect again after that first call from Ottawa?

A. I don't recall. I don't believe I did.

Q. When did you next call him, as soon as you got into Toronto?

A. I don't recall. I don't think I did, but --

Q. You must have called him again very shortly because you were quite anxious to have the word from him; so anxious you were calling collect long distance. I am asking when did you next call him?

A. It might have been when I came back or shortly after.

Q. Did you go over to Chrystal Beach then or stay on in Toronto?

A. Just at what time?

Q. When you came back from this holiday or this trip to Ottawa.

A. I believe I went to Chrystal Beach.

Q. And did you phone Humphrey collect from Chrystal Beach? You remember that?

A. I am trying to. I am thinking. I can't --

Lemmin that that vitamin-filled-you-anyway thing

you recommend lately?

A. No, I don't believe so.

Q. Did you not call Mr. Coleman

again after that first call from Oswald?

A. I don't recall. I don't believe

I did.

Q. When did you next call him, as

soon as you got into Dorchester?

A. I don't recall. I don't think

I did; but —

Q. You were now calling his home

only recently because you have testified he

been for some time dead as regards you when

calling Coleman long distance. I ask again when

did you next call him?

A. It might have been when I came

back or shortly after.

Q. Did you go over to Cuyahoga County

then or stay on in Dorchester?

A. Just as what time?

Q. When you came back from this

military or state duty to return.

A. I believe I went to Cuyahoga

County.

Q. Do you know approximately

calling from Cuyahoga County for your first time?

A. I do forget so. I am thinking.

I don't —

Q. You probably did?

A. I can't really recall.

Q. You probably did phone him long distance from Chrystal Beach?

A. Maybe I did.

Q. And you phoned him collect?

A. I don't know if I did that or not.

Q. Why were you phoning him collect? What arrangement had been made that he would accept charges? I can tell you we have heard from Lawrence this morning he even phoned collect from Penetang. Why were you gentlemen phoning collect? What arrangement had you made with Humphrey to call him collect that this generous-hearted lawyer would pay for all your long distance phone calls?

A. He would be reimbursed at a later time.

Q. Why phone him collect at all?

A. Well, --

Q. You know how to change a dollar bill or a two-dollar bill.

A. I didn't have too many bills.

Q. You were phoning from a motel. It would be put on your motel bill, wouldn't it?

A. I guess it would be.

Q. Why didn't you do it that way? What was the arrangement? I want the truth out of you.

A. I don't know what arrangement you mean.

Q. You know what I am talking about.

BY THE COMMISSIONER:

Q. He was expecting calls from you, wasn't he?

A. I don't think so.

Q. No?

A. He might have.

MR. MacKINNON: Of course he was.

BY THE COMMISSIONER:

Q. About what? Come on. Let us have it.

BY MR. MacKINNON:

Q. Come on, Mr. Lamorie. Let us have the truth.

A. I am telling the truth as much as I can remember it. I can't recall everything.

Q. Can't remember, you, a man facing a perjury charge?

A. It is three years ago. I just can't remember.

BY THE COMMISSIONER:

Q. What was the urgency about the telephone call?

A. There was no urgency, My Lord. I wanted to --

Q. You wanted to what?

A. To talk to him.

Q. About what?

A. (Answer inaudible).

Q. We are back to that.

BY MR. MacKINNON:

Q. You know that is not the truth, witness. You know it.

A. There is no other reason.

Q. You are not going to phone a lawyer and have him accept your long distance charges unless there has been an arrangement between the two of you that you are going to do so. What was that arrangement? As I have said a number of times, I want the truth here.

A. I am telling the truth.

Q. I am prepared to wait for it.

A. Well, I came home. I just called him to find out -- to speak to him and say --

(page 6445 follows)

CROSS-EXAMINATIO N BY MR. MCKINNON CONT'd.

A. I was to call him and speak to him?

Q. Asking if there was a warrant out for your arrest.

A. I don't know if p-

Q. You told Mr. Wilson that was one of the items you were interested in.

A. I don't recall. Talking about it in general.

Q. What was it you were talking about in general? You had finished getting advice from him. What was there to talk about in general? I will use your words. What was there to talk about?

A. Just talking about the accusations made towards myself.

Q. YOU HAD ALREADY TALKED THAT OVER with him. You had already gone over to see Mr. Balsom and Sammy was O.K. What more was there to talk about?

A. I just cannot recall. Everything in general we spoke about. That is all.

Q. And you were calling him from Crystal Beach about everything in general, calling from Belleville about everything in general, and Ottawa, and he was accepting those about everything in general without question?

A. Yes. He accepted them.

[illegible]

A. I was to call him and speak to Amy.

Q. Looking at Exhibit one a-[illegible] are your words.

A. I don't know if p-

Q. You told Mr. Milner that you saw or the times you were intercepted in.

A. I mean-usually, [illegible] in personal.

Q. [illegible] by you was [illegible] about in personal? You had [illegible] getting another from him. When was there to talk about in personal? I will use your words. When was there to talk about?

A. When talking about the circumstances [illegible] personal.

Q. Did Mr Alexander tell you that [illegible] with him. You had already gone over to see Mr. Bathson and Fanny was O.K. What more was there to talk about Amy?

A. I don't remember exactly. Everything in general we spoke about. That is all.

Q. Are you sure calling him from Crystal Beach and presenting in personal. Talking from Hollywood about over dating in personal, and [illegible], and he was accepting things about over-[illegible] in general without [illegible]

A. [illegible] in personal [illegible]

Q. And he never asked you for payment?

A. No, sir. I intend to pay Mr. Humphreys.

Q. Now, you intend to pay because I brought it up. But he never asked for payment. Didn't he advise you it was looked after?

A. No, he did not.

Q. He never so advised you?

A. No, sir, he did not.

Q. Why didn't you pay him when you went in to see him next after you got back from this last trip? Why didn't you pay him then?

A. For what, sir?

Q. The disbursements he made on your behalf for phone calls?

A. As I say, I would pay him at a later date.

Q. He is not acting for you now. How much later would it be?

A. I have not been working -- I haven't the money --

Q. I BEG your pardon?

A. I am not that well off that I can pay him.

Q. Mr. Humphreys spent a lot of time with you. He has not charged you for that time, has he?

A. Not as of yet, no.

Q. And he drove over in his car

Q. Did he never asked you for payment?

A. No, sir. I intend to pay it.

Commissioner.

Q. Now, you intend to pay because I brought it up. But he never asked for payment. Didn't he advise you he was looked after?

A. No, he did not.

Q. He never so advised you?

A. No, sir, he did not.

Q. Why didn't you and his come just went in to see him most after you got back from this last trip? Why didn't you pay him then?

A. Why didn't you?

Q. This disbursements he made on your behalf for phone call?

A. As I say, I would pay him at a later date.

Q. He is not asking for pay now. How much later would it be?

A. I have not been working -- I haven't the money --

Q. I ask your pardon.

A. I am sure that will cut that I can pay him.

Q. Mr. Commissioner spoke a bit of time with you. He has not charged you for that time, has he?

A. Not as of yet, no.

Q. And he drove over in his car

to Burlington with you. Is that correct?

A. Yes.

Q. The evidence you gave.

A. Yes.

Q. And did you contribute to the gas and oil?

A. No, sir, I did not.

Q. Once again, he was doing that at his expense, so far as you are aware?

A. Yes.

Q. When you were in Humphreys' home on Sunday, May 29th, that is the day that your friend, Lawrence, was suspended and before you were suspended, did Humphreys not speak to McDermott on the telephone?

A. I could not tell you. I don't know.

Q. What time were you at Humphreys' office, or Humphreys' home on Sunday evening?

A. It was in the evening, nine or ten o'clock. I don't know.

Q. You were there a couple of hours?

A. No, I wasn't there a couple of hours.

Q. An hour at least.

A. Maybe an hour.

Q. Where did you eat the evening meal that day?

A. At home. Crystal Beach. In Crystal Beach.

Q. In Crystal Beach?

A. Yes.

Q. Not in Toronto?

A. No.

Q. And you say you did not hear Mr. McDermott either telephone or speaking to Humphrey that evening, or vice versa, Humphrey calling McDermott?

A. No.

Q. But you did know he was, Humphrey was Feeley and McDermott's lawyer. That was common knowledge in the anti-gambling squad?

A. Yes.

Q. And you knew he had been Feeley's and McDermott's lawyer for sometime?

A. What do you mean for some time?

Q. For some period of time?

A. For some period of time, yes.

Q. Why did you go to Humphrey? Was he recommended to you be McDermott as being a good man?

A. No, sir.

Q. Why did you go to him then?

A. I felt he was a good lawyer.

Q. Because Feeley and McDermott used him?

A. I felt he was a good lawyer.

Q. And you knew you were accused of

having illegal association with those two gentlemen, Feeley and McDermott? You know that. That was one reason why you resigned?

A. Yes.

Q. You knew it?

A. Yes.

Q. Why did you go to see their lawyer then?

A. Well, as I say, we just went to Mr. Humphrey.

Q. Did Mr. Humphrey ask for a retainer from you gentlemen?

A. Not at the time.

Q. Didn't you find that strange?

A. No, we told him we would pay him at a later date.

Q. You did not say how much later?

A. No, sir.

Q. Now, did you know Sammy Balsom? Before you ever joined the force?

A. No, sir.

Q. You never met him?

A. No.

Q. Or Petrochenko?

A. No.

Q. Did you know Harry or Hank Demorie?

A. Yes.

Q. How did you know him?

A. By execution of several warrants at the Niagara Falls Club.

having actually succeeded with those two gentlemen, Frazier and Bodenmeier? You know them, that are now behind all your pleadings?

A. Yes.

Q. Who were they?

A. Yes.

Q. Why did you go to see their lawyer alone?

A. Well, as I said, we just went to the

Mr. Bodenmeier.

Q. Did you, Bodenmeier and Frazier

testifying and you testified?

A. We do not know this.

Q. Didn't you then have their attorney

A. No, we had had no money for a

at a higher rate.

Q. Then did you not say you were worth [illegible]

A. No, sir.

Q. Now, did your lawyer Bodenmeier

testifying you were joined the Council

A. No, sir.

Q. You never met him?

A. No.

Q. Or Bodenmeier?

A. No.

Q. Did you never talk or have conversation

A. Yes.

Q. Who was the first time?

A. My recollection of [illegible]

Q. No other reason?

A. No.

Q. Did you play golf at the golf club?

A. Now?

Q. Have you played there and had you prior to 1960, did you play golf there?

A. Yes.

Q. Did you play golf with a friend of Sammy Balsom? Now just think?

A. Yes, I know what you are thinking of. It was the assistant pro there, Al. Burns. I have played with him a number of times.

Q. And you never played with anyone whose name began with Harry who was a friend of Sammy Balsom?

A. No, not that I recollect.

Q. Did this gentleman introduce you to Sammy Balsom?

A. No.

Q. Did you ever meet Sammy Balsom out on that golf club?

A. No.

Q. Or in the golf club?

A. No, sir.

Q. At no time?

A. No, sir.

Q. How did you know this gentleman was a close friend of Balsom's?

A. I did not know. I don't know if he is a friend.

THE COMMISSIONER: You said you knew what Mr. McKinnon was talking about.

A. Yes.

THE COMMISSIONER: What was he talking about?

A. While playing golf -- we had a search warrant at his place at that time, my Lord, and he was to come up in court and this fellow just mentioned his name. I don't know if he was a close friend or not. I knew him only from playing golf.

THE COMMISSIONER: Yes, go on.

A. So that was the end of it. I don't know whether he was a friend or not. I really cannot answer that. I don't know.

THE COMMISSIONER: Speak up.

A. I really could not answer that. I don't know how close a friend he is.

THE COMMISSIONER: What is the matter Mr. McKinnon is referring to that you said you realized--

A. That is the same, speaking of the same thing.

THE COMMISSIONER: Yes. How did you get out to the golf club?

A. By car.

THE COMMISSIONER: Your car?

A. Yes.

MR. MCKINNON: Just apropos to that,

you told us last day --

THE COMMISSIONER: Let me ask a question. Did you ever find anything in your car that was a surprise to you?

A. NO.

THE COMMISSIONER: You know what I am talking about?

A. Speaking of money.

THE COMMISSIONER: Do you know what I am talking about?

A. You are referring to money and so forth.

THE COMMISSIONER: You are getting hot. Let me have that story.

A. What story?

THE COMMISSIONER: The money in the car.

A. Never any money in my car.

THE COMMISSIONER: Not in your car?

A. No.

THE COMMISSIONER: In any car that you had control of?

A. No, sir, except what was in my pocket and that was all.

MR. MCKINNON: That money in your pocket you put there yourself?

A. That is right.

Q. Did you ever find something in your car that did not surprise you?

A. That did not surprise me?

Q. Yes, that you expected to find the re?

A. No.

Q. You said you never found money in your car?

A. No.

Q. Under the seat or in the glove compartment?

A. Nowhere, no.

Q. Well then, I want to go back just a little in time to an episode that took place at the Veterans' Club in one of your raids. I think it was February 27th, 28th. It appears in the third report of Police Constable Scott and this was the story. This has been confirmed by another witness. This is what Police Constable Scott has sworn that Police Constable Wright told him.

THE COMMISSIONER: What page?

MR. MCKINNON: The third report, March 2nd, 1960, page 6. My friend tells me February 29th. At the bottom of the page. He also said that on February 26th when the anti-gambling branch --

THE COMMISSIONER: Wait until I find it.

MR. MCKINNON: Page 5 and 6. I am told at the bottom of page 5.

THE COMMISSIONER: I have that.

MR. MCKINNON: "He also said" -- and this is Scott swearing under oath to what Wright had told his -- "that on February 26th when

the anti-gambling raid at the club at Cookville P.C. Lamorie in the presence of two of the principals of the Vets Club was talking about phoning home to check on the condition of his daughter who was ill. As he went to the pay-phone, one of the principals of the club said be careful you don't phone Sammy Balsom. At this remark Constable Lamorie supposedly became quite flustered and stuck for words."

Q. Do you remember that?

A. Yes.

Q. Why would they be mentioning Sammy Balsom to you?

A. I have no idea.

Q. They must have had an idea.

A. I don't know what they had.

Q. Did you ask them what they meant?

A. I was on the phone. I did not ask them, no.

THE COMMISSIONER: Who said it to you?

A. I don't remember anyone said it direct or not.

THE COMMISSIONER: Whether said direct, who said it, directly or not? You remember it being said.

A. I believe it was McDermott.

MR. MCKINNON: It was McDermott who said it to you?

A. Yes.

Q. And you say you weren't flustered and upset?

A. No, I was not.

Q. Who else was with you on the raid?

A. Moore, I believe Scott was. Sergeant Anderson.

Q. Lawrence was on that raid as well, wasn't he?

A. He could have been, yes.

Q. Did you have a discussion with your friend, Lawrence, as to why McDermott would have said this to you at this time? He was right there, wasn't he?

A. I don't recall if he was right there.

Q. Well, did you discuss it with this close friend of yours why McDermott would be talking about this to you?

A. No, sir.

Q. I want to move on to April 29th. You remember this raid as the result of which Petrochenko was charged. You remember that. You and Scott and Moore and Lawrence and Viterlie went on this one?

A. Yes.

Q. And you weren't told about this raid until immediately prior to the time you were ready to leave. Is that correct? Sergeant Anderson has so sworn.

A. Yes.

Q. And it is also right Sergeant Anderson kept a pretty close watch on you before you left the premises. Is that correct?

A. I don't remember that.

Q. You don't remember him following you and you seeing him as he described in great detail?

A. No.

Q. Do you deny you were heading down towards where the telephones were and you suddenly stopped?

A. Yes.

Q. Are you denying this under oath?

A. Yes.

Q. Did you not see him?

A. When was this?

Q. April 29th. You are not fooling anybody.

A. I am not trying to, but you are questioning and answering your own questions.

Q. I am asking you whether you saw Anderson and he saw you that morning as you left the lunch room, or wherever you call where you ostensibly were, headed down the corridor full speed heading for the phone when you saw him watching you and you suddenly stopped and reversed your actions.

A. No, sir, I don't recall any such incident.

R.F. Lazarus.

Q. And is it some sort of [illegible]

Robinson takes a worthy place with on your behalf

your daily use purchase. Is this correct?

A. I don't remember this.

Q. You don't remember his testimony

that you and your medical life as he described in

great detail?

A. No.

Q. Do you deny you were handing [illegible]

[illegible] where the [illegible] were but you [illegible]

in [illegible]?

A. Yes.

Q. [illegible] [illegible] [illegible]

A. [illegible]

Q. Did you work [illegible]?

A. [illegible]

Q. [illegible] [illegible] [illegible]

Q. I am not [illegible] [illegible] you are

[illegible]

Q. I am [illegible] you [illegible] your

[illegible] [illegible] [illegible] [illegible] [illegible]

your [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

case [illegible] [illegible] you and your [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible].

A. [illegible] [illegible] I don't [illegible] [illegible]

[illegible] [illegible].

Q. Couldn't it have been so?

A. No. I wasn't going to any telephone.

Q. Where were you heading?

A. Nowhere.

Q. You were heading away from the office in the direction of the pay telephones.

A. Where are the pay phones?

Q. In the front of the building, according to what Sergeant Anderson told us.

A. The cafeteria is on the second floor.

Q. He was watching you and following you. You did not see him come in the cafeteria after you. Do you remember going to the cafeteria that morning?

A. Yes, I did go for cigarettes, possibly.

Q. And you still swear you did not tell Lawrence immediately thereafter that Anderson was watching you?

A. No, sir, I did not.

Q. You never discussed this with Lawrence?

A. No.

Q. You did know before I told you that Anderson has already given this evidence before this commission that he had tailed you and watched you?

Q. Probably it may have been.

A. No. I really gave the matter great.

Q. Have been you familiar.

A. Perhaps.

Q. You were handling sums from the office in the direction of the pay department.

A. Where was the pay journal?

Q. In the front of the building.

according to what transpired Anderson told us.

Q. The conversation is on the second page.

Plaintiff.

Q. He was searching you and Evelleigh.

Plaintiff. You did not see him come in the morning after you. He was behind the plate at the morning meal immediately.

A. Yes, I did go for breakfast.

Q. And you still swear you did not speedily?

A. No, sir, I did not.

Q. You never discovered him with Evelleigh?

A. No.

Q. You did know before I told you that Anderson had already been his victim in the matter of the pay department.

Q. Does this conversation that he had telling you are

A. It is his business. I don't know.

Q. You knew he had given this evidence?

A. Yes.

Q. And did you not discuss that with Lawrence?

A. No, sir.

Q. And you say you weren't too -- you weren't at all anxious to get to a phone that morning?

A. No.

Q. You weren't going to call Petrochenko or your friend, Sammy Balsom?

A. No.

Q. And on that occasion the raid was successful. Petrochenko was charged and convicted, wasn't he?

A. Yes.

Q. And did you know he was quite upset about this?

A. What?

Q. That he had not been given the off?

A. No.

Q. You swear there was never any suggestion by you or Lawrence in your presence you would be paying Petrochenko's fine?

A. No, sir.

Q. Now, we have heard from Lawrence

That about two months ago you and he discussed the questions you might be asked at this commission. Do you wish to tell us whether you agree with that?

A. No, I disagree with him.

Q. Is he lying?

A. I don't call my closest friend a liar, but disagree with him.

Q. You had all these conversations and interviews, but did not discuss the questions you might be asked?

A. How could we? How do you know what questions you are going to be asked?

Q. That is obvious. You would not know all of them. But did you discuss any of them?

A. No, sir.

Q. And when he says he believes you did he is mistaken?

A. Yes.

Q. Did you ask him what he might say about you?

A. No, I don't believe I did, no.

Q. Did he ask you what you might say about him, putting the reverse?

A. No.

Q. So when he says this, when he answers in this fashion, Did you ask him what he might have said about you? Answer, Yes, I believe I did, and What did he tell you? He told me he

said nothing that could be a slur against my character or anything of that sort -- that is a complete fabrication on his part.

A. Not that fast --

Q. Did you ask him -- this is Lamorie speaking -- Laurence speaking to you, and the question is Did you, Laurence, ask him, Lamorie, what he might have said about you? Answer, Yes, I believe I did. Question, and what did he tell you? That is Lamorie. Answer, He told me that he had said nothing that could be a slur against my character or anything of that sort. Is that slow enough for you?

A. That is slow enough. What is the question again?

THE COMMISSIONER: Do you understand the question?

MR. MCKINNON: Do you understand what I just read to you?

THE COMMISSIONER: You said it was slow enough.

A. Yes.

THE COMMISSIONER: Then you understand it.

A. Yes.

MR. MCKINNON: So you did -- first of all, is he telling the truth when he says you discussed it?

A. Discussed what?

paid nothing that would be a claim against my insurance or anything of that sort -- that is a complete indemnification on that point.

Q. Not sent that --

Q. Did you ever hear -- that is Lorenzo speaking -- Lorenzo speaking to you, not the question in the jury, however, but the question, what is right now and then? -- Yes, I believe I did. Something, and what did he tell you? Then in Lorenzo. Answer. He said he had to have so much anything that would be a claim against my insurance or anything of that sort. He that plan enough for your

A. That is plan enough. What is the question again?

THE CONSTABLE: Do you remember the question?

Mr. Dawson: Do you remember what I just read to you?

THE CONSTABLE: You said it was plain enough.

A. Yes.

THE CONSTABLE: Then you understand it.

A. Yes.

Mr. Dawson: Do you did -- Stand on all. In the taking the three mens to make you

Witness 1A?

A. Witness said?

Q. The questions that you might be asked at the Commission, and that was a follow up on that.

A. No, I don't recall any questions -

Q. Did you have this discussion, him asking you what you might have said about him?

A. When was this?

THE COMMISSIONER: Did Lawrence ask you during these discussions what, if anything, you had said about him?

A. He might have.

THE COMMISSIONER: Now, did he?

A. If I said anything about him?

THE COMMISSIONER: Did he ask you what, if anything, he had said concerning you?

MR. MCKINNON: I will help you a little more.

THE COMMISSIONER: He understands the question now. Let him answer.

A. Yes, I believe he asked me that.

THE COMMISSIONER: Are you sure of that?

A. Well, I believe so, sir, yes.

MR. MCKINNON: Why would he be asking such a question? This only took place two months ago, according to his evidence. Not very long ago.

A. I don't know.

Q. And he said --

Q. The questions that you might be asked by the Commissioner and that you a Judge may ask that.

A. No, I don't recall any questions -

Q. Did you have such conversations

with counsel you when you might have had adding that

A. What was that?

THE COMMISSIONER: Did Lawrence ever you

Trading Stamp Commissioner ever, if anything,

you had said about that?

A. He might have.

THE COMMISSIONER: Now, did he

Q. If I will repeating what that

THE COMMISSIONER: Did he ask you that,

if anything, to the only conversation your

MR. MCKINNON: I will help you a little

bit.

THE COMMISSIONER: Is that correct for

question now. Let him answer.

A. Yes, I believe he asked me that.

THE COMMISSIONER: Are you sure of

that?

A. Well, I believe so, sir, I do.

MR. MCKINNON: May would be to another

that a question? This only took place two months

ago, according to his evidence. Not very long

ago.

Q. I don't know.

Q. And he said -

THE COMMISSIONER: Did you turn around and say "Now, Lawrence, what did you say about me?" Did you ask him that?

A. No. I don't really know what he is getting at.

MR. MCKINNON: I am not getting at anything. This is what Lawrence swore to. Are you prepared to say you never discussed questions to be asked at the Commission? Not interested in the Commission? Just coming over to have chats with you? Your closest friend?

A. That is where you are wrong.

Q. This close friend who might be in the soup, you did not discuss questions that might be asked?

A. No. What would we discuss?

Q. Getting your stories straight.

A. That is not true.

Q. Making sure that they would jibe as best as possible?

A. That is not true.

Q. You realize the story that jibes the best is the truth?

A. That is true.

Q. That is the one that no one can trip you up on, or make you look silly.

A. That is right.

Q. Have you answered the Commissioner that you now remember that he did ask you what you

had said about him?

A. No, I don't recall that question. I cannot recall it.

THE COMMISSIONER: Did he ask you if you had said anything about him?

A. No, sir.

MR. MCKINNON: Weren't you discussing as to whether Inspector Graham or some other policeman had brought either of you in for questioning?

A. No.

Q. And you did not report to one another on that, as to what interviews, if any, you had had with Chief Inspector Graham?

A. Just one with Inspector Graham.

Q. You reported to him on that?

A. Yes.

Q. You told him you had not said anything.

A. I did not tell him that.

Q. Did you say anything to Chief Inspector Graham?

A. I did not say anything to him, no.

Q. You would report that, wouldn't you, if you were discussing this with your friend. It is a pretty logical conclusion.

A. I told him Graham had been down to see me.

Q. And had not told him anything?

A. No, I did not say that.

Q. Why would you not say that if reporting on it?

A. I wasn't reporting on anything.

Q. You told your friend what you had said?

A. I just said Graham was down there.

THE COMMISSIONER: Having told Lawrence Graham was down to see me, did you not say Yes, he was down to see me but I did not tell him anything?

MR. MCKINNON: You would tell what you said. Lawrence wasn't just letting the matter drop there. He would then say, Inspector Graham was down to see you. What did he say? What did you say?

A. I said he was down to see me and wanted a statement off me. That is all.

THE COMMISSIONER: Yes. And what?

MR. MCKINNON: And what statement did you give Graham?

A. Nothing.

THE COMMISSIONER: Did you tell Lawrence that you did not give any?

A. Yes.

MR. MCKINNON: Why do I have to take ten minutes to get that answer. You know what I wanted.

Cal. Reports.

Q. Did you not tell his secretary

A. No, I did not say that.

Q. Why would you not say that to

reporters on it?

A. I wouldn't recognize an reporter.

Q. Did you tell them that you

had sold?

A. I just said business was down there.

THE CONSTABLE: Perhaps we'd determine

whether you lied or not, did you not say that

he was down to see us but I did not tell him anything

THERE?

MR. ROSENTHAL: You know well what you

said. Learning weren't just trying for orders

over there. He could have buy Consolidated because

was down to see you. What did he ask? What did

you say?

A. I said he was down to see us

and wanted a statement off me. Then he said.

THE CONSTABLE: Then. And what

MR. ROSENTHAL: And what observations did

you make thereon?

A. Nothing.

Q. Did you tell Lawrence

that you did not sell Lawrence?

A. Yes.

MR. ROSENTHAL: Yes or I mean to say

you admitted to you that answer. You have what I

wanted.

A. I did not know.

Q. You told Lawrence that you did not give Graham anything.

A. I said I did not give him any statement. That is what I mean.

THE COMMISSIONER: What do you mean by a statement? A written statement?

A. Yes.

THE COMMISSIONER: Did you tell Lawrence you did not tell Graham anything, written or otherwise?

A. I just told him Graham was down to see me about the statement. That is the extent of it. That is all.

Q. Did you tell Lawrence that Cpl. Leggatt was with Inspector Graham?

A. I don't think so, no.

Q. Did you take the same attitude with Inspector Graham as you took with the Commissioner and Assistant Commissioner "I am not going to say anything. I have spoken to my lawyer". Is that the general attitude you took with Inspector Graham, too?

A. I did not feel like saying anything to him at the time.

Q. This was May 4th, 1961. So that you still were maintaining your silence?

A. Not maintaining any silence. Trying to forget the whole thing, the publicity

K.G. Lawrence.

A. I did not know.

Q. You told Lawrence that you did not give Gordon anything.

A. I said I did not give him any statement. That is what I meant.

THE CHAIRMAN: What do you mean by a statement? A written statement?

A. Yes.

THE CHAIRMAN: Do you tell Lawrence you did not tell Gordon anything, written or verbal?

A. I just told him Gordon was down to see us about the statement. That is the extent of it. That is all.

Q. Did you tell Lawrence that with Lawrence present?

A. I could tell my lawyer.

Q. Did you tell the same statement when Lawrence was present? Lawrence "I am not going to say anything. I have nothing to say". Is what the general substance you told Lawrence present, but

A. I did not tell Lawrence anything anything to him at the time.

Q. Did you say "I am not saying anything". Do that you did not mention any statement.

A. Not mentioning any statement.

Judging by Judge the evidence, the preliminary

and all that. I don't need it.

Q. Inspector Graham was a police officer. He wasn't an inspector reporting on anything. You are not suggesting that?

A. No.

Q. He was just performing his duty, was he?

A. Yes.

Q. Why wouldn't you want to help him as an honest policeman.

A. How could I help him?

(Page 6470 follows).

DD W J R

MR. MacKINNON: Q. You could have given him a statement?

A. What type of statement?

Q. Well, he was there for some purpose?

A. Yes.

Q. And you knew he wanted the statement?

A. Yes.

Q. And you said no. Why wouldn't you co-operate with this policeman?

A. My --

THE COMMISSIONER: Q. What was the proper reason is what I want to know?

A. There was nothing I could say that would help him; so what could I say?

MR. MacKINNON:Q.Why didn't you tell Graham at least this much, that within the month you had left the affidavit with Eccle-stone?

A. I never really thought -- I never thought of it.

Q. Well, you were prepared to volunteer this affidavit to a strange lawyer, for reasons that you just can't explain, yet a police officer - a responsible police officer - whom you knew - I suppose you knew Inspector Graham?

A. Yes/

Q. You knew who he was and yet you

were not prepared to deal with him at all. That's correct, isn't it?

A. Well --

Q. Give him any assistance at all?

A. I couldn't give him any assistance.

Q. Well, you were giving affidavits out to lawyers to assist someone, weren't you?

A. Assisting myself.

Q. Well, assist someone else, too. How was it going to assist yourself in Ecclestone's office? You didn't even have a copy?

A. I just told him the truth, that's all.

Q. Why wouldn't you tell Graham the truth in the same fashion?

A. I just didn't at the time, that's all.

Q. Now, this Ecclestone episode, you told us that Humphrey told you to go to Ecclestone. Now, you have had a week to think it over. I would like you to tell me now why Humphrey told you to go to Ecclestone?

A. I don't know if he told us.

Q. Come on now, witness, don't weasel out of it. You told us unequivocably that Humphrey told you to go to Humphrey?

A. I don't know if he told us - I don't think --

Q. Pardon?

A. I believe -- I don't know if he pointed out Ecclestone or not. He might have said another lawyer.

Q. Who have you been talking to in the last seven days that you are now changing your story?

A. I'm not changing stories.

THE COMMISSIONER: Q. Were you talking to Lawrence in the last week?

A. No sir, I wasn't.

MR. MacKINNON: Q. I want you to realize just what you are getting into. I don't want to mislead you in any way what you swore under oath on the last day. Volume 29, page 6127:

"Q. It was Humphrey that told you "to go and see Ecclestone?

"A. Yes, it was Humphrey that told "me to go and see Ecclestone."

THE COMMISSIONER: Q. Now, is that true?

A. Yes sir, I believe so.

Q. What do you mean "I believe so"?

A. I believe so.

Q. Isn't it a fact?

A. I believe it is, yes.

Q. What do you mean "I believe it

is"?

A. I would say it is.

Q. Speak up?

A. I would say it is, yes.

Q. Yes.

He says it is a fact.

Q. Now, have we established that beyond any question?

A. Yes, sir.

Q. All right. We have that established.

MR. MacKINNON: Q. Now, my original question, before you started getting evasive: Why did Humphrey tell you to go and see Ecclestone?

A. I believe he was representing McDermott and Feeley at the time. He didn't give me any reason. He might have said something. I just can't recall.

Q. Mr. Ross was representing, and is representing, McDermott and Feeley but your friend Laurence had no hesitation about taking a similar document to him? In fact, he thought it was appropriate because he was acting for Feeley and McDermott. Now, give me the real reason?

A. That's the only reason I know of.

Q. Who have you been talking to since?

A. I haven't been talking to anyone.

Q. This is something that has come to mind since you were here last week?

A. Nothing has come to my mind.

Q. You said you could not give any explanation last week as to why he would send you to Ecclestone. Now, we do get this explanation from you?

A. As I said, it could have been an explanation, I just can't recall.

Q. I will ask the next question: Why did you want to make an affidavit at all, for?

A. Well, to tell the truth.

Q. What was the purpose of it? Why did you want the affidavit? Who was going to get this affidavit?

A. No one was going to get it as far as I know.

Q. Isn't it rather strange it was right after the preliminary hearing? That had something to do with it, didn't it?

A. No. I don't recall.

Q. You say it had nothing to do with your affidavit?

A. (No response).

Q. Pardon?

A. Repeat the question, please?

Q. The preliminary hearing of Feeley

A. I haven't been thinking on
anyone.

Q. Just to summarize that was
come to mind since you were here last week?

A. Nothing was come to my mind.

Q. You said you would not give
any opinion that that as to be why he should
come you to Scarborough. Now, we go back
this suggestion from Grey

A. As I said, it could have been
an explanation, I don't know.

Q. I will ask the same question
why did you have to come to Scarborough to sell
beer?

A. Well, he had a bar there.

Q. What was the purpose of his
why did you have the affidavit? Who was
going to get into difficulty?

A. No one was going to get in
no for as I know.

Q. Isn't it common sense if you
had something to do with it, didn't he?

A. No. I don't think.

Q. Was he the person going to do
what you did?

A. (No response).

Q. Pardon?

A. Pardon?

Q. Pardon me question, please?

Q. The preliminary hearing of Bradley

and McDermott and Wright had just been completed? You say that had nothing to do with you going to swear an affidavit?

A. No.

Q. Pardon?

A. No.

Q. It had nothing to do with it?

A. No.

Q. All right. Let me read you paragraph 5 of your affidavit:

"5. To the best of my knowledge "and belief, Provincial Constable "George Scott of the Ontario Provincial "Police has made certain allegations "concerning me at the preliminary "hearing of Mr. Robert J. Wright, "Mr. Vincent P. Feeley and Mr. Joseph "McDermott, held at the City Hall "in the City of Toronto during the "month of March, 1961."

Do you still say your affidavit had nothing to do with the preliminary hearing?

A. I don't recall.

Q. Do you recall when?

A. Yes, I made the affidavit.

Q. It very directly related to the preliminary hearing, didn't it? Let me read it further:

"Such allegations are not true and

"completely without foundation."

And you said you did not state at any time to Provincial Constable George Scott that you had ever accepted any sum of money or any other consideration from any person or persons. Does that help your memory any?

A. No. I don't believe that had anything to do with the preliminary hearing, no.

Q. This mention of Wright in here as being the reason why this is all brought to mind, and you are giving the lie to it, as it were, that is all that Constable Scott said at the preliminary hearing?

A. I can't recall that.

Q. For whose benefit were these affidavits? I suggest to you it was for Feeley and McDermott's benefit?

A. I don't see any reason why it would be for their benefit.

THE COMMISSIONER: Q. Well, I can think of various reasons.

MR. MacKINNON: Q. It kept you nailed to that statement?

THE COMMISSIONER: Q. You could not change it. That is simple, isn't it?

A. Yes, it is; but I could change it if I wanted to.

MR. MacKINNON: Q. Well, you would be a liar?

A. Yes, that's right.

Q. So they wouldn't have been able to tell you whatever you said, because you swore this affidavit under oath?

A. That's right.

Q. Hadn't you been told there was a prospect you might be called as a witness at the Feeley and McDermott trial?

A. No.

Q. That was never suggested to you?

A. No.

Q. Do you want to canvass your memory more and see if you can so state?

A. I can't recall that.

Q. Now, the thing that interests me -- First of all, do you remember what time of day you were in Ecclestone's office? Was it the morning or the afternoon?

A. Afternoon, I believe.

Q. And did you sort of tell Ecclestone what you had to say - you and Lawrence? You were in there together?

A. Yes.

Q. And did he make notes of what you were saying?

A. Yes.

Q. And did he draft or dictate -- You say the affidavit was dictated, is that right?

A. Yes. We had our own, made out our own forms and the secretary typed them out.

Q. Did you write it out yourself? Are you saying this is your language here?

A. Pardon?

Q. What do you mean by "we each had our own forms"?

A. Well, we dictated it, yes, what we wanted to say.

Q. You told Ecclestone and Ecclestone put it in legal language, is that it?

A. Yes, that' right.

Q. And then it was typed and you signed it?

A. That's right.

Q. You didn't go back another day, or anything like that?

A. No.

Q. You signed it right then and there?

A. That's right.

Q. Did you ever go back and see Ecclestone again?

A. No, I don't believe so, sir.

Q. You don't believe so?

A. I don't think so.

THE COMMISSIONER: Q. Maybe they did not mail you by that affidavit. Did you swear to that affidavit?

Let me see it.

MR. MacKINNON: I have't got the original. The original is sworn to.

THE COMMISSIONER: Well, there is no use asking that question.

Q. Did you swear that affidavit?

A. Yes sir, I did swear that affidavit.

Q. Where?

A. In Mr. Ecclestone's office.

Q. In Mr. Ecclestone's office?

A. Yes, sir.

Q. Are you sure of that?

A. Yes, sir.

Q. Who was the man before whom you swore it?

A. I really can't recall, sir.

MR. MacKINNON: Q. You and Lawrence swore at the same time?

A. Yes.

Q. The 6th day of April both of them are dated as being sworn?

A. That's right.

Q. And you were together when you were doing this?

A. I don't think so.

Mr. McCONNELLOGUE: Q. Maybe that was not said to you by Dave McFlatwell. Did you ever see Dave McFlatwell?

A. No, I have not.

MR. McCONNELLOGUE: I have's got the statement. The original is sworn to.

THE CONFERENCE: Well, there is no one present.

Q. Did you ever see Dave McFlatwell?

A. Yes sir, I did another time.

Q. Where?

A. In Mr. McCONNELLOGUE'S OFFICE.

Q. In Mr. McCONNELLOGUE'S OFFICE.

A. Very fine.

Q. Are you aware of what?

A. Yes, sir.

Q. Have you the one notice where

you were?

A. - I really don't remember, sir.

Mr. McCONNELLOGUE: Q. You did observe

some of the same things?

A. Yes.

Q. Was this one of those cases of

which you defined as Dandy Dandy?

A. That's right.

Q. Did you make exactly same you

same thing YES?

A. Yes.

Q. Well, now, there is another gentleman, Mr. Ecclestone, a gentleman you walked in on and had him do some legal work for you and you never received a bill and never paid a bill, is that correct?

A. That's right.

Q. Didn't it strike you as rather strange?

A. No, sir. We intended to pay him later, also.

Q. Why wouldn't Ecclestone send you a bill? It is the usual thing, isn't it?

A. Yes, but we told him at the time that we would pay him later.

Q. That wouldn't prevent him from sending a bill?

A. No.

Q. Was there anyone else in Ecclestone's office outside of you and Lawrence and Ecclestone?

A. No.

Q. No one else there at all?

A. No sir, no one else.

Q. Did he speak to someone else on the telephone about these affidavits when you were there?

A. No, sir.

Q. You are sure of that?

A. Quite sure, yes.

Q. Did he speak to Mr. Humphrey?

A. No, sir.

Q. Did you go back and tell Mr. Humphrey you had done as he had told you?

A. Back and tell Mr. Humphrey what?

Q. That you had done what he had told you, or suggested you do? Had gone and saw Ecclestone?

A. I don't know whether we went back to the office. I don't believe we did, no.

Q. You came all the way over from Crystal Beach for this episode?

A. Yes, I did. I can't recall the time of day.

Q. Pardon?

A. You have the time of day there. I guess I was at Crystal Beach at the time.

Q. It was April 6th, 1961. You were long gone to Toronto?

A. Yes, that's right.

Q. Now, you came over for this specific reason, didn't you, to swear this affidavit?

A. Yes.

Q. Yes, and Lawrence phoned you to come over?

A. Yes.

Q. And why did he suggest you should com over to do this rather extraordinary thing?

A. Well, I can't recall what his exact words were. He just asked me if I could come over.

Q. Do you hop whenever Lawrence calls?

A. No.

Q. He told you this was wanted?

A. No.

Q. This affidavit?

A. No, he didn't.No.

Q. He just said "Come on over" and you got in your car and came over?

A. Well, something like that, yes.

Q. He told you more than that, witness. Now, what did he say as to why your presence was required in Toronto?

A. I don't know exactly what he said. I can't remember that part.

Q. Were you employed at this time, April 6, 1961?

A. I believe --

Q. You were unemployed, weren't you?

A. No, I believe I was working at

A. Yes.

Q. And why did he suggest you

should come down to the Sale Yarding area?

A. Well, I didn't usually work the

extra hours here. He just asked me if I could

come over.

Q. Do you buy livestock because

selling?

A. No.

Q. Do both you and his men work?

A. No.

Q. This afternoon?

A. No, not didn't do.

Q. The Jack said "Come on over" and

did you do that on your own?

A. Well, sometimes like this.

Q. Do both you have been there?

A. I don't know exactly what to

say. I don't remember that part.

Q. Were you received by his

Mary Lou/ Q. Yes?

A. I believe --

Q. Do you remember, sorry?

Yes?

A. No, I believe I was working at

the race track at that time.

Q. At that time, April, 1961? April 6th?

A. I started April 5th.

Q. April 6th?

A. The 5th, I believe.

Q. Well, you left the second day you worked then to come over to Toronto? It must have been pretty important to leave a new job?

A. Well --

Q. You had not been working much?

A. I don't recall if it was April - 1961?

Q. April, 1961; over a year ago now?

A. Yes.

Q. Pardon?

A. Yes, I was working.

THE COMMISSIONER: Q. At the race track? At the Fort Erie race track?

A. Yes, sir.

Q. What were you doing there?

A. Waiter.

Q. Well, it would be a drive to come over here?

A. (No response).

MR. MacKINNON: Q. Could I put it this way: You had not been employed prior to this, even if you had started to work on April the

5th?

A. That's right.

Q. Who was paying your gas and oil and expenses?

A. My father.

Q. And your expenses to come over?

A. My father.

Q. Why was this trip that important to you? A man unemployed with no money and a family?

A. I don't think I was unemployed all that -- I was working spare time as a bartender. I just can't recall.

Q. You can't recall, is that your answer?

A. These dates have got me confused. I can't remember.

Q. And where did you meet Lawrence, in Ecclestone's office?

A. I met him downtown, I think.

Q. Pardon?

A. I met him downtown here, in Toronto, or at his home.

Q. You pre-arranged to meet somewhere outside of Ecclestone's office, is that what you are telling us?

A. Yes, I believe that's right.

Q. And then you went up to Ecclestone's office?

A. Yes.

Q. When did Humphrey tell you to go and see Ecclestone? Did he telephone you?

A. No, sir.

Q. Did you telephone him?

A. No, sir.

Q. When did he tell you to go and see Ecclestone? How long before this?

A. I can't recall; maybe a week or -- I don't know.

Q. Would it be the day before?

A. I don't know.

Q. Pardon?

A. I don't believe it was, sir, no.

Q. Did you ever meet Feeley and McDermott in Humphrey's office?

A. No, sir.

Q. On no occasion?

A. No, sir; no occasion.

Q. Now, there was an interesting admission during the course of your examination by Mr. Wilson and I would like to get a little more explanation on this: referring to the Sunday before you were suspended, after Lawrence had been suspended, and you are talking to Humphrey and the question is:

"Q. You anticipated that you would

"be suspended?

"A. Yes."

Now, that was not followed up but I would like to follow it up. Why did you anticipate such a rather drastic action?

A. Well, Lawrence had been suspended.

Q. So what?

A. Well, he told me there was accusations made against me, also.

Q. Are you swearing he told you accusations were made against you?

A. (No response).

Q. Are you swearing that Lawrence told you that your name was even mentioned on that interview with the commissioner and assistant commissioner?

A. Yes, I believe so, yes.

Q. You believe so?

A. Yes.

Q. In what connection? Just a passing reference?

A. About playing cards in the Alpine Club.

Q. Pardon?

A. We were playing cards in the Alpine Club, I believe.

Q. You did not mention that the last day, either?

A. Who didn't?

Q. Who have you been talking to? I ask you that question again.

A. I haven't been talking to anyone.

Q. Your evidence has changed completely since the last time?

A. It hasn't changed.

Q. Are you trying to make it jive a little better with Lawrence?

A. No sir, I'm not.

Q. What are you suggesting the Alpine Club for? You made no mention about that at all the last time? You were very clear about what it was and it had nothing to do with the Alpine Club? Where did you get the idea it had anything to do with the Alpine Club?

A. Where did I get the idea?

Q. That's right?

A. What do you mean where did I get the idea?

Q. That you were going to be suspended because you played cards at the Alpine Club? You didn't suggest that last week at all?

THE COMMISSIONER: Q. What was wrong with you playing cards at the Alpine Club?

A. Well, there was a rake-off there, my lord.

Q. Commissioner Clark and Kennedy didn't know that, did they?

A. No.

Q. Well, they did not know it?

A. Did they know it?

Q. I say, they didn't know there was a rake-off there, did they?

A. I don't know whether they did or not.

Q. That is what I cannot understand, your fear that you might be suspended for playing cards at the Alpine Club. Were you really frightened you might be suspended for playing cards there?

A. Yes, sir.

Q. Were you afraid of that?

A. Yes.

Q. Well, it would be a very rough suspension , wouldn't it?

A. (No response).

Q. It was not a very great sin to play cards at the Alpine Club?

A. Well -

Q. You did not think so?

A. No, I like to gamble.

Q. Yes, you like to gamble. You did not look at it as so serious? It did not worry you so much?

A. Yes.

Q. What were you afraid about?

A. This was a rake-off game, as I said.

Q. Had you lost money there?

A. No.

Q. You were so frightened that you might be suspended that you resigned, did you?

A. No.

Q. You quit your job?

A. No.

Q. No?

A. No, I wasn't that much afraid, no.

Q. Not that much afraid?

A. (No response).

THE COMMISSIONER: All right.

MR. MacKINNON: Q. Did you have your brother-in-law sitting in this Hearing Room last Friday?

A. No, sir, I did not.

Q. A week ago?

A. No, sir.

Q. He was in here this morning?

A. That's right.

Q. And you were talking to him?

A. When?

Q. This morning; noon hour?

A. No, sir, I wasn't. Never.

Q. Didn't say a word to him?

A. No, sir, I did not.

Q. Did you invite him to come along?

A. Yes. He asked if he could come along and I said yes.

Q. Did he drive down with you?

A. Yes.

Q. I see.

A. What's wrong with that?

THE COMMISSIONER: Nothing.

MR. MacKINNON: Q. Nothingexcept I am just interested in the way you are changing your story from last week.

A. I don't believe I'm changing any stories.

Q. Well, we will see whether it is a story or not. Page 6112. You say:

"A. I was also supposed to be "giving tip-offs to gamblers."

That is what you told us last week?

A. Yes.

Q. Now you say that it was because you were really - and it is after this question - after you thought you were going to be suspended. Now now you you thought it was because you were going to be suspended because you were playing cards at the Alpine?

A. No, it was both.

Q. Which was the more important in your mind?

Q. Did you travel big in your

client?

A. Yes. We moved it by canal boat along and I said yes.

Q. Did he drive that with you?

A. No.

Q. I see.

A. Only's about why about

[illegible]

Q. Monkeyshine? Q. Monkeyshine

I am just interested in the way you are

[illegible]

Q. I don't believe it's [illegible]

any stories.

Q. Well, we will see whether it

is a story or not. Page fifty. Are you?

"A. I was also connected to a

[illegible]

Q. Was it when you lived on Jack Bailey

A. Yes.

Q. Now you say that if you [illegible]

you were really - and it is other than

[illegible] - after you thought you were going

to be [illegible]. Now now you [illegible]

it was because you were going to [illegible]

[illegible] because you were [illegible] as the

[illegible]

A. No, it was [illegible].

Q. When was the [illegible]

in your mind?

A. Well --

Q. Which was the more serious offence, playing cards at the Alpine Club or taking money from these gamblers, Feeley and McDermott and Balson?

A. I didn't take any money.

Q. Which was the more serious offence in your mind?

A. Taking money.

Q. It was a serious thing?

A. Yes, it's serious.

Q. Well, you say that you resigned, or no, I am sorry, that you felt that you were going to be suspended because you had been playing cards at the Alpine Club, is that it?

A. Well, that and the other accusations.

Q. Pardon?

A. That and I had dealings with the gamblers, also.

Q. But if there was nothing to it and you could give the answer right away, why would you be suspended?

A. What answer?

Q. The answer to these accusations of taking money from gamblers? You said there was nothing to it? You told us that a number of times.

A. That's right.

Q. Why would you be suspended for something that wasn't there?

A. I don't know.

Q. Commissioner Clark as a reasonable man?

A. I don't know whether, if he is or not. I guess he is.

Q. You weren't prepared to test him under these circumstances to see whether he was reasonable or not?

A. I don't know what you're referring to there.

Q. You weren't prepared to test that and take your chances and deny the charges, isn't that correct?

A. Yes.

Q. Your answer was "I won't say anything. I have been speaking to my lawyer?"

A. No, I'd like to correct that. I didn't say that.

Q. "I have had legal advice "yesterday. Mr. David Humphrey." Didn't you say that?

A. Yes, I said that, yes.

Q. Why weren't you telling him that?

THE COMMISSIONER: Q. You were putting it in that form as the reason you were

not going to talk?

A. I just had nothing to say at the time.

Q. You were giving that as the reason?

A. (No response).

MR. MacKINNON: Q. Do you remember you said you had nothing more to say? You said "I had legal advice yesterday from Mr. David Humphrey", and then "I have nothing more to say"?

A. Yes.

Q. All right. Will you answer my question. Why weren't you -- Why were you telling them you had legal advice from David Humphrey?

A. I had nothing to say - that's all.

Q. That was the legal advice?

A. No. What do you mean "legal advice"? I just had nothing to say.

Q. You are not as stupid as you are making out. You just listen to me for a minute. Do you admit you stated to these two gentlemen - who have sworn you did so - "I have had legal advice yesterday; Mr. David Humphrey"? Did you say that to them? Now, they have sworn under oath and they made notes at the time. Now, what do you say?

A. It's probably true, yes.

Q. It is true?

A. Well, how do you know it's true?

Q. Because I believe those two men and I don't believe you?

A. Well, that's tough.

Q. It may be tougher for you, we will see. Is it true or isn't it?

A. I believe it is, yes.

Q. Why would you tell him that?

THE COMMISSIONER: Q. Well, isn't it perfectly plain, witness? You had legal advice. You were saying to Commissioner Clark and Kennedy you were not going to say anything. Isn't that as plain as can be?

A. No.

Q. Isn't that the attitude you were taking?

A. No. I wanted to find out what I was accused of first.

Q. Whether you found it out or not you had taken legal advice and you were saying to them "I have had legal advice and I am not going to say anything"?

A. Yes.

Q. There is nothing wrong with that if that is what the facts were?

A. I guess not.

Q. All right. Now, is that what

happened?

A. No. I would say that I just took it on my own.

Q. Took what on your own?

A. Not to say anything at the time.

THE COMMISSIONER: That is his answer now and I do not believe him.

Q. You put it down there. You said to them "I have taken legal advice and I haven't anything to say?"

A. Well --

MR. MacKINNON: Q. Well, can you tell us what was the legal advice then that you had had, that you have admitted having, that you told the commissioner and assistant commissioner about? What was the legal advice if it was not that you should say nothing?

A. I can't recall. I don't recall any legal advice.

Q. You were just misleading these two gentlemen? It wasn't true when you said "I have had legal advice?"

A. No.

Q. Pardon?

A. I spoke to a lawyer, yes.

Q. But you had no legal advice?

A. No.

THE COMMISSIONER: Leave something to

my common sense.

MR. MacKINNON: Q. Did you go out of Mr. Ecclestone's office to sign it?

A. Out of his office?

Q. Yes?

A. It was on the same floor.

Q. It was just another door?

A. Down from his.

Q. What for?

A. To swear to it.

Q. To swear to it?

A. Yes.

THE COMMISSIONER: Q.

Q. What was the name of the man who you swore to?

A. I can't tell you that.

Q. Was he a lawyer?

A. He could have been.

Q. Was there a sign on his door "Law Office"?

A. As I say, it was just down from Mr. Ecclestone's office.

Q. It may have been part of Mr. Ecclestone's office?

A. No, I don't think so.

Q. This was a separate office?

A. Yes.

Q. Who -- Did he administer the oath to you?

A. Yes.

Q. He did?

A. Yes.

MR. MacKINNON: Q. Just in connection with those two affidavits, you were dictating these together - you and Lawrence, is that correct?

A. Yes.

Q. You were in the room together?

A. Yes.

Q. I wonder why your affidavit is different from Lawrence's?

A. Well --

Q. Lawrence in his affidavit, Exhibit 176, in the last sentence in paragraph 6, says:

"6. Further to the best of my "knowledge and belief I have never "had any telephone conversations "with the aforesaid Vincent Feeley "or Joseph McDermott".

Now, that was not in your affidavit, can you tell me why?

A. No.

Q. Well, there must have been some reason? This was being drawn up by a lawyer for both of you at the same time. This one sentence stands out as being omitted. Was there a discussion about this among the three of you?

A. No, sir.

Q. Didn't you notice your affidavit

was different from his?

A. (No response).

Q. Pardon?

A. At the time -- I can't recall it. It might have, I don't know.

Q. Wouldn't there be some discussion as to why it was left out of your affidavit?

A. No.

Q. You were not going to swear you had never had any telephone conversations with Vincent Feeley or Joseph Mcdermott, were you?

A. No.

Q. Was it because you couldn't swear truthfully to that that it was left out?

A. No, sir.

Q. You never had any telephone conversation with Feeley and McDermott?

A. Not to my knowledge, no sir.

Q. So far as you were concerned Ecclestone could have put it in your affidavit just as he had in Laurence's?

A. (No response).

Q. Pardon?

A. I guess he could have, I don't know.

Q. You did not give him any instructions on that?

A. No.

Q. You didn't tell him to leave it out of yours?

A. No.

Q. Or he didn't tell you to leave it out?

A. No.

Q. You are sure of that?

A. Yes.

Q. No discussion at no place about this particular paragraph at all?

A. No. I would say none, no.

Q. Now, you were asked by Mr. Wilson at page 6110:

"Q. What did you discuss with Mr. "Humphrey?

"A. He wanted to know why 'we "were being accused of all this "stuff'."

Did he know at this time what you were being accused of? "All this stuff"?

A. Did he know?

Q. That's right?

A. Yes, I guess I told him, yes.

Q. Did he know before you got there?

A. Not to my knowledge, no.

Q. But after you told him then your story is he wanted to know why you were

A. No.

Q. You already have one in Lamont

is one of yours?

A. No.

Q. Is Mr Bobby Hill your in-laws

in Hart?

A. No.

Q. Does you know Mr Lamont

A. Yes.

Q. Do anybody on the place

hated Mrs Darlington personally or else?

A. No. I would say none, no.

Q. Now, you were served by Mr.

Allen at some time?

"Q. What did you discuss with Mr.

Allen?

"A. He wanted to know why the

Lamont Estate payment of $15 still

"Owing".

Did he ever at this time have you

were being assessed for "All other taxes"?

A. Did he know?

Q. What's right?

A. Yes, I guess I said that, yes.

Q. Did he know because you got

Lamont

A. Not to my knowledge, no.

Q. But either you told him that

your story is he wanted to know why you were

being accused, is that it? This was all known to him, was it?

A. Yes, sir; as far as I know.

Q. Well, you knew at that time that he had been retained by former Police Constable Wright?

A. When?

Q. Sunday night?

A. I didn't know that.

Q. May 29th?

A. No sir, I didn't know that.

Q. He didn't tell you?

A. No, sir.

Q. That he had been approached by Wright's brother?

A. No sir, he didn't.

Q. You knew that the next day, at least, when you went into his office that he was acting for Wright?

A. A day or two after.

Q. The next day because he appeared in magistrate's court the next morning on behalf of Wright and you told us you and Lawrence went into Ecclestone's office the next day and drafted out these affidavits, isn't that right?

A. Yes.

Q. Didn't you have any discussion about him acting for Wright at that time?

being accused, is that isn't this was all known to him, was it?

A. Yes, sir; as far as I know.

Q. Well, you know at that time that he had been violated by Donnie Williams concerning Wright?

A. Yes.

Q. Donnie Jones?

A. I didn't know Jones.

Q. Why didn't

Q. Do you, I didn't know Jones.

A. No didn't know Jones.

Q. Did you not testimony by Wright's testimony

A. No, sir.

Q. That he had been approached by Wright's testimony

A. No sir, he didn't.

Q. You knew that the next day,

as nearly, does you know how you rather that he was asking for helpful?

A. A day or two after.

Q. The next day Donnie is approached in magistrate's court his bond warning on behalf of Wright and you tried to get Jones testimony from Jim Cunningham's office. The next day and charged and then withdrew.

Isn't that right?

A. Yes.

Q. Didn't you have any discussion about who working for Wright at that time?

On the Monday?

A No.

Q. Didn't you think it was rather strange that all you people were flocking to Humphrey? Feeley and McDermott's lawyer?

A. No.

THE COMMISSIONER: Will you be a little while yet?

MR. MacKINNON: A few minutes, yes sir.

THE COMMISSIONER: We have to break the afternoon in two. Ten minutes.

---Whereupon the Hearing recessed at 4.30 p.m.

(Page 6505 follows)

---The witness resumes the box.

MR. MacKINNON: Q. You told us last week that you heard the gamblers had been investigating you after your appointment to the anti-gambling squad; is that correct?

A. Yes.

Q. They approached your father, did they?

A. No; I don't think they came to my father.

Q. Pardon?

A. No, they didn't approach my father.

Q. How did you find out about it?

A. From a friend of mine.

Q. What friend?

A. He is dead now. Do you find that funny? I don't think it's funny actually.

THE COMMISSIONER: Q. Well, it's not.

A. He's smirking at that. I don't think it's funny.

Q. What is the man's name?

A. Bill Fordie.

MR MACKINNON: Q. What was he?

A. What was he?

Q. Yes.

A. Well, he was ---

Q. A friend of yours?

A. Yes. He was a near relative.

Q. A relative?

A. Not quite, no, but a distant relative, yes.

Q. He lived in Crystal Beach, did he?

A. Yes, sir.

Q. Was he older than you or your age?

A. No, he was much older than I am.

Q. And the gamblers approached him?

A. He told me at the time that someone had come around asking where I was and -- just where I was at the time.

Q. And who was this gambler? You described it last week as that the gamblers were investigating you?

A. Yes.

Q. Now, who was it?

A. I don't know.

Q. How do you know it was the gamblers?

A. I just took that for granted.

Q. Why?

A. I was speaking to Sgt. Anderson at the time about it, that somebody had been around asking about me, so I came to the

conclusion that it was some gamblers.

Q. Did they come to see you?

A. No, sir.

Q. Did your relative speak to you shortly thereafter and say that somebody had been around asking questions about you?

A. Yes, sir.

Q. Did they tell him why they wanted to know about you?

A. They just asked him, I believe, where -- they wanted to know where I was.

Q. Are you sure the gamblers or their emissaries never approached your father?

A. No, sir.

Q. He never said to you that they had spoken to him?

A. No, sir; I don't believe so.

Q. Or approached him?

A. No, sir; I don't believe so, no.

Q. Well, you would know; you would know whether he had ever mentioned it to you?

A. Yes, but I would say no, that no one ever came --

Q. He never mentioned it to you anyway; that is what you are saying, is that right?

conclusion that it was some physical.

Q. And they came to see you?

A. Yes, sir.

Q. And some relative again in your

[illegible] Commission and you then [illegible]

and from [illegible] physical examination [illegible]

[illegible]?

A. Yes, sir.

Q. And they said you had [illegible]

on [illegible]?

A. They just moved him, I believe,

where -- they wanted to know where I was.

Q. Are you aware the conclusion of

[illegible] [illegible]?

[illegible]

A. No, sir.

Q. Do never said to you that they had

[illegible] of [illegible]?

A. No, sir; I don't believe so.

Q. Or [illegible]?

A. No, sir; I don't believe so.

[illegible]

Q. Well, you would know you would

know whether he had ever mentioned it to

you?

A. No; he [illegible] to me. [illegible]

[illegible] --

Q. Do [illegible] to you

[illegible] [illegible] to you [illegible]

[illegible]?

A. He heard about the incident from the other fellow and that is as far as I can remember.

Q. No one approached him directly?

A. No.

Q. Or approached you directly?

A. No.

Q. Did they approach this distant relative?

A. Yes.

Q. What did he say?

A. He didn't know where I was.

Q. He didn't know where you were?

A. No.

Q. He knew you were on the police force?

A. Yes.

Q. He knew you were on the anti-gambling squad?

A. That's right.

Q. He didn't tell you what kind of questions they were asking?

A. No; just wanted to know where I was.

Q. At this time or -- was this shortly after you had joined the force?

A. Yes, sir. Maybe a month or so. I cannot recall too well but it was a month or so after.

Q. Before you joined the force did you suggest to the Ontario Provincial Police that you would be prepared to do undercover work for them?

A. Yes, sir.

Q. And was it to be at the Lorelei Club at Port Erie?

A. Yes.

Q. And what did you know about the Lorelei Club at Port Erie?

A. What did I know?

Q. Yes.

A. Well, just that there was a crap game there.

Q. You had been there?

A. No.

Q. So you were able to tell the police?

A. No; I was never in there.

Q. How did you think you were going to get in as an undercover agent if you had never been there before?

A. Well, Sgt. Anderson cames down to see me and -- or previous to that I should say that Sgt. Cpl. Smythe at the time ---

Q. You went to see Cpl. Smythe; is that right?

A. No. There was Cpl. Smythe and -- apparently he was speaking to Sgt. Anderson that I could get in, that I wanted to work undercover

Q. Before you joined the Korean dog you argued to the contrary, officers that you would be prepared to do undercover work for money?

A. Yes, sir.

Q. Had you it to be as the Internal Affairs in your mind?

A. Yes.

Q. And since that you have since the Internal Affairs dog?

A. Just one I know?

Q. Yes.

A. Well, just some times was a man just money.

Q. You had been money?

A. No.

Q. Do you come back to that was to be undercover?

A. Yes I had never to know.

Q. How did you think you were going to get in on an undercover assignment if you had never been single before?

A. O.K. Sir. Informers come from to one no and -- or persuaded to work I already my name some dgs. Big dgs as the time ---

Q. You were to see dgs. anything in

Case dgs?

A. No. There was dgs. Sgts. and -- supposed to not speaking to dgs. Informer that

and that I could get in to this Lorelei Club.

Q. You made the offer, you went to see them about it; isn't that right?

A. I was thinking of joining the force at the time, yes.

Q. And you went to see them and you made this proposition, that you could work undercover for them at the Lorelei Club; isn't that correct?

A. Yes.

Q. But you say you had never been in the Lorelei Club?

A. No, sir.

Q. You never were in there subsequently?

A. No, sir; never.

Q. Did you know who was behind the Lorelei Club that you were discussing?

A. No.

Q. With these people?

A. No, I did not.

Q. How did you know what kind of a club it was that would require undercover work? How did you know that?

A. Well, it was just being discussed in that area.

Q. Pardon? You will have to speak up. The Reporters have told me they cannot hear you.

A. Just from people speaking around

and people around that area.

Q. Some people around the area told you it was a gambling house or gaming club?

A. Yes.

Q. But they didn't tellyou who was behind it or who was involved in it?

A. No; I didn't know at the time, sir.

Q. Had you lived in this area all your life?

A. No, sir.

Q. Only for a few years?

A. Yes, sir.

Q. I will just show you some of the transcript of your evidence and perhaps you would tell us which is the correct story now. Page ~~6201~~ 6201:

"Q. Were you on friendly terms "with him?" (Meaning Scott)

"A. No, I wasn't.

"Q. At no time?

"A. No.

"Q. At no time?

"A. No."

And then at page 6223, talking about you going around with Scott in May:

"Q. Was this customary? Had "you been that close to him up "to this time?

"A. Yes, I would say Scott and I

"were very good friends".

Before that you said you were not on friendly terms at any time and then some twenty pages later on you say what I have just read, that you and Scott were very good friends. Now, which is it? What do you want us to accept as the truth?

A. What's that?

Q. Which answer?

A. Yes, we were good friends.

Q. Then this answer:

"Q. Were you on friendly terms "with him?

"A. No, I wasn't.

"Q. At no time?

"A. No."

That is not true; is that right?

A. I wasn't on friendly terms with Scott, no.

Q. You were not on friendly terms but you would say Scott and you were very good friends. You are trying to reconcile the two answers, are you?

A. Well, we were friends, good friends, yes.

Q. You were very good friends, you swore?

A. Well, yes.

Q. But you were not on friendly terms?

A. We were not on friendly terms, no.

THE COMMISSIONER: Well, he distinguishes apparently.

MR MACKINNON: Q. There is a distinction in your mind between the two, is there, "friendly terms" and "very good friends"? Very good friends are not necessarily on friendly terms; is that it?

A. Let's say we were just good friends.

Q. Have you spoken to any lawyer since you were last here?

A. No, sir.

Q. Has any lawyer spoken to you?

A. No, sir. Yes; I would like to say I called Mr Agro in Hamilton.

Q. Mr Agro in Hamilton?

A. That's right.

Q. This is the gentleman who has acted for Mr Papalia; is that right?

A. I don't know.

Q. You don't know that?

A. No, sir.

Q. You didn't know that?

A. No, sir.

Q. He acted for Mr Tobe, I believe, in St. Catharines. Do you know Mr Tobe?

A. No, I don't know Mr Tobe.

Q. As a member of the anti-gambling squad, you didn't know that he was one of the bookmakers there?

A. To my knowledge I cannot remember any Tobe.

Q. How did you happen to call Mr Agro?

A. Just out of my own.

Q. Pardon?

A. I just called him on my own, sir.

Q. When?

A. Tuesday or Wednesday.

Q. Why did you say you hadn't spoken to any lawyer? Did you think I might not know about it and you could get away with it?

A. No; I just recalled that I did.

Q. Why did you call him?

A. I was going to ask him to represent me today.

Q. And did you?

A. No.

Q. Pardon?

A. He is busy in other courts, sir.

Q. You talked to him?

A. Yes, I spoke to him.

Q. You told him who you were, did

you?

A. Yes, I did.

Q. Did you know him?

A. No; I don't know the man. I never saw the man.

Q. How did you happen to pick him out of all the lawyers in the Niagara Peninsula and Toronto?

A. No reason.

Q. How did you happen to pick him?

A. I just picked him myself; there was no reason.

Q. How did you know him?

A. Well, he had defended cases in Hamilton and just from that I thought of calling him.

Q. Pardon?

A. Just from defending these cases in Hamilton.

Q. Do you know whether Lawrence was speaking to Agro?

A. No, I don't know if he was or not.

Q. Does Mr Agro know your name?

A. I told him my name, yes.

Q. Did he recognize it? Was it familiar to him?

A. Yes, I believe it was.

Q. You didn't go over to see his

1 though?

2 A. No, I didn't.

3 Q. Did you talk to any other lawyer?

4 A. No.

5 Q. Did he make any suggestions as to

6 any other lawyers?

7 A. No, sir.

8 Q. Did you ask him for any other

9 suggestions?

10 A. No, sir.

11 Q. That is the only lawyer you

12 have spoken to since you were last here?

13 A. That's right.

14 Q. Do you know Felix Borelli?

15 A. Yes, sir.

16 Q. Did you ever have anything to

17 do with him?

18 A. Did I have anything to do with

19 him?

20 Q. Yes.

21 A. Well, he was at the Niagara Falls

22 Club.

23 Q. Did you know him before you

24 joined the police force?

25 A. No, sir, I did not.

26 Q. Did you have any discussion

27 with him since you left the police force; Felix

28 Borelli?

29 A. Yes.

30 Q. You have?

A. Yes.

Q. Now, when was this?

A. (No audible answer).

Q. Pardon?

A. A couple of years ago, I believe.

Q. Why would you be talking to him?

A. No reason. I just met him in Niagara Falls.

Q. Pardon?

A. No reason. I just met him in Niagara Falls.

Q. Wasn't it pre-arranged?

A. No, sir, it was not.

Q. What were you doing in Niagara Falls?

A. My wife and I were out for a ride.

Q. You just happened to run into Felix Borelli?

A. That's right.

THE COMMISSIONER: Q. Where?

A. I believe it was Stanley Street.

Q. Were you in a car?

A. No, sir; it was on the street.

MR MACKINNON: Q. This is of course since your retirement from the force?

A. That's right.

THE COMMISSIONER: Q. Were you talking to

him?

A. For a few minutes.

Q. About what?

A. I don't know. Just general conversation.

Q. Everything in general?

A. No, not quite.

MR MACKINNON: Q. Are you sure you weren't talking to him about Feeley and McDermott?

A. No, sir.

Q. It would be a normal subject, wouldn't it? It was a subject he was interested in, you knew?

A. I didn't know.

Q. Well, you knew he was connected with the Ramsay Club?

A. Yes.

Q. And you knew Feeley and McDermott were connected with it, didn't you, as well?

A. Yes.

Q. Wouldn't you be talking about Feeley and McDermott then, the troubles they were in?

A. No. I don't recall that. I don't recall any such conversation.

Q. Is that the only time you have spoken to him either by phone or personally?

A. Yes, sir.

Q. Now, do you know Paul Cote of

St. Catharines?

A. From St. Catharines?

Q. I'm sorry; Niagara Falls.

A. Yes.

Q. He operates both places but Niagara Falls basically?

A. Yes, I believe I do.

Q. Did you ever run into him since ----

A. No.

Q. Since your leaving the force?

A. No, sir.

Q. You have never spoken to him?

A. No.

Q. You didn't meet him along with Sorelli?

A. No, I don't think so.

Q. What business is he in?

A. Who?

Q. Cote.

A. I have no idea.

Q. You don't know?

A. No, sir.

Q. You never had occasion to raid him when you were a member of the anti-gambling squad?

A. Yes, we raided.

Q. Bookmaker?

A. Yes.

Q. Did you know whether Agro had ever

acted for him?

A. No.

Q. Or had any dealings with Mr Cote?

A. Not to my knowledge.

Q. Gorelli didn't mention the name to you at any time?

A. No.

Q. According to Sgt. Anderson, the resignations were handed in on Monday evening, May 30th, and Lawrence agrees with that. I take it you do not disagree with Sgt. Anderson?

A. No.

Q. And Lawrence has told us that on that same day while you and he were in Humphrey's office drafting your resignations you spoke to Balsam on the phone or he spoke to Balsam on the phone?

A. Yes.

Q. So that was before your resignations had been handed in that you spoke to Balsam; isn't that correct? Or that Lawrence was speaking to Balsam?

A. To the best of my knowledge, it was.

Q. Did you speak to Balsam on that occasion?

A. No.

Q. Didn't you?

A. What do you mean? On the phone?

Q. That's right.

A. No.

Q. Was it Lawrence who called Balsam? Let me read your evidence at page 6164:

"A. No, we didn't actually - we "spoke very little on the telephone.

"Q. Yes.

"A. Lawrence called —"

and then your answer sort of trails off. There are just dots here. And this has to do with the call when you were in Humphrey's office. Now, did Lawrance call Balsam from Humphrey's office?

A. To the best of my knowledge, he did, yes.

Q. Well, you were there; you must have made some arrangement that you were going to call and check on these stories. Was that it?

A. To the best of my knowledge, I believe Lawrence did, yes.

Q. And you were sitting beside him, I take it, when he was putting this call through; it was for the both of you?

A. I was in the room, yes.

Q. And who paid for that call?

A. I believe Mr Humphrey did.

Q. That is another call that you haven't been charged with yet?

A. No, not for that.

Q. Did Lawrence have any difficulty in locating Balsan on this occasion when he telephoned from Humphrey's office?

A. No.

Q. And you told us that everyone on the squad knew Balsan's number and that you knew it and that Lawrence knew it; that is correct, isn't it?

A. Yes; he should know it.

Q. And he did know it. He put the call through; isn't that correct?

A. I believe he did; yes.

Q. Yes.

A. To the best of my knowledge, he did.

Q. Well, you were there. I wasn't. That is why I am asking you the questions.

A. To the best of my knowledge, he did; as far as I can remember.

Q. I presume he got permission from Humphrey to put the call through?

A. Yes; I imagine he would have to.

Q. Pardon?

A. I imagine he would have to.

Q. What was the purpose that Lawrence was seeking to fulfill in making the call from Humphrey's office?

A. Well, the accusati ns that had been made against Lawrence.

Q. And you heard him put these questions to Salam, did you?

A. When, sir?

Q. On this phone call? You were sitting there in the room with him?

A. No, sir. He arranged to meet him in Burlington.

Q. You say on this occasion all Lawrence said was "Can you meet us?"

A. Yes.

Q. And you say that Lawrence arranged with Salam at this time to meet in Burlington?

A. Yes.

MR MACKINNON: I see it is now five after five.

THE COMMISSIONER: Well, are you going to be much longer?

MR MACKINNON: I don't know. I will be a little while, Mr Commissioner.

THE WITNESS: Mr Commissioner, I would like to say something. I would like to get it over with as fast as I can because if I take any more time off from work it may cost me my job. I would like to get it over today rather than come here tomorrow.

THE COMMISSIONER: Well, we will do the best we can for you. We don't want you to lose

your job over it.

If you take another fifteen minutes, Mr MacKinnon, do you think you can finish with this witness?

MR MACKINNON: All right. I might say this last bit of evidence is important. It contradicts Lawrence completely.

THE COMMISSIONER: Well, let's waste no time. Go right after it.

MR MACKINNON: Q. You stated at page 6172 in your evidence that you had gone to the Parkway Lanes and that Sammy Balsam — well, I will read it:

"Q. Sammy Balsam came out to see "you. And what did you talk about?

A. Just discussed the Royal "Commission."

Now, apparently you did discuss the Royal Commission with Sammy Balsam at some time outside the Parkway Lanes; that is correct, isn't it?

A. Yes.

Q. That accordingly would be some time since December 1961 because there was no Royal Commission until that month. That is correct?

A. Yes.

Q. Now, you didn't tell us about this meeting that you had with Sammy Balsam when you discussed the Royal Commission. When

did that take place?

A. When did that take place?

Q. Your discussion with Sammy Balsam outside the Parkway Lanes when you discussed the Royal Commission?

Q. I believe it was -- when was the date; 1961?

Q. December of 1961 was when the Royal Commission was appointed.

A. December of '61?

Q. That's right.

A. What date was that then?

Q. I am asking you what date it was because then you went on to tell us about another meeting away back in July, 1960, before there was ever any Royal Commission, a year and a half before the Royal Commission. I want to know -- I am not asking about the July 1960 meeting, Mr Wilson has covered that, but I want to know about the meeting you haven't told us about yet that you had with Sammy Balsam outside the Parkway Lanes where you discussed the Royal Commission?

A. What date? I don't know what date it is.

Q. I don't know what date it is; I am asking you.

A. I don't recall.

Q. (reading)

"Q. Sammy Balsam came out to

"see you. And what did you talk

"about?

"A. Just discussed the Royal

"Commission."

Now, was that a truthful answer?

A. The only time I discussed the Royal Commission was the last time I met Sammy Balsam.

Q. Well, that was in Toronto -- or out in Fort Erie?

A. Yes.

Q. That wasn't in St. Catharines?

A. No.

Q. Well, do you say you did not discuss the Royal Commission with Sammy Balsam on his own in St. Catharines?

A. Not to the best of my knowledge, sir.

Q. Haven't you been in to see Sammy Balsam more than once in St. Catharines since you were suspended?

A. Two or three times.

Q. Yes. And on each occasion you were discussing the evidence he might give about you?

A. No.

Q. What were you discussing then?

A. Just everything in general about the accusations that had been made to each of us.

Q. And you were meeting him on each occasion out in your car? You told us that you didn't think it was wise to meet him in the bowling alley?

A. I didn't think it was wise.

Q. Am I right, that you met him in your car?

A. Yes.

Q. And each meeting was set up, prearranged?

A. Yes.

Q. Why would you need so many meetings to establish that he wasn't going to say anything about you? Were you worried?

A. No, I wasn't worried.

Q. Why did you need so many meetings?

A. I don't know. He called once or twice. We met. I just wanted to discuss things; that's all.

Q. Do you now say at none of these meetings he gave you money?

A. No, sir, he did not.

Q. No money was left with you?

A. No.

Q. Was any money given to any member of your family?

A. No, sir.

Q. How did he know your Buffalo

address? Where you were in Buffalo?

A. He probably called my home and my wife would give it to him.

Q. You didn't give it to him?

A. No, sir.

Q. And tell him where you could be found?

A. No, sir.

Q. Once again going back to the one meeting you did tell us about with Balsam in July 1960, you stated at page 6176:

"Q. Can you remember any item you "discussed?

"A. I don't know, there was so "much in the papers at the time I "can't recall everything."

Are you saying there was a lot in the papers in July of 1960; is that your answer?

A. Well ---

Q. There was no publicity about this at that time, was there? R The preliminary hearing hadn't been held even.

A. To the best of my knowledge, I cannot recall those dates.

Q. Well, this was your answer, not mine.

A. I know but I just cannot recall those dates.

Q. So your three meetings with Balsam in St. Catherines, you were just discussing things

examined. Have you seen it [illegible]?

A. The probability called by Jones and my wife would give it to him.

Q. You didn't give it to him?

A. No, sir.

Q. And tell him where you could be reached?

[illegible]

A. Yes, sir.

Q. Then Jones going back to the [illegible] meeting you did tell us earlier with Thomas in July 1980, you stopped at place 6176.

"Q. Can you remember any other [illegible] conversation?

"A. I don't know, [illegible] was in the process of the time I [illegible]

"Well's [illegible] [illegible]"

Can you anyway [illegible] was a lot in the [illegible] in July of 1980? Is that your testimony?

A. YES.

Q. There was no publicity about this [illegible] [illegible]? Is the [illegible] [illegible] Smith's been held [illegible].

A. To the best of my knowledge, I [illegible] [illegible].

Q. Well, [illegible] your [illegible] [illegible].

A. I know but I just [illegible] [illegible] [illegible].

Q. Do you have [illegible] with [illegible] in 1980? [illegible], [illegible] [illegible]

in general?

A. Yes.

Q. And one of these meetings was the one you have already described, Mr Wilson got you to describe, in July 1960?

A. Yes.

Q. And the other two meetings would be some time after that?

A. Yes, as far as I can remember.

Q. Then you came to Toronto with Balsam to meet Lawrence and Petrochenko; that is correct, isn't it?

A. Yes.

Q. Now, why did you leave Balsam and Lawrence talking together? Why did you go off and leave them?

A. Well, I went for a cocktail.

Q. Why? Why didn't you stick around? You were interested in Petrochenko, weren't you?

A. Was I? No.

Q. Why did you come all the way over from Crystal Beach or wherever you were?

A. To see Carman Lawrence.

Q. I thought you told us it was a beer last day? The same thing?

A. Well, beer, cocktail.

Q. And then you stated "I found out later Petrochenko was speaking to them". Well, Witness, you came over for the specific purpose

in January?

A. Yes.

Q. And you or Steve Gonzalez was the one who ran Area Alpha's Electrical in 91A00 on the evening, in early June?

A. Yes.

Q. And you never had anything wrong on Area Alpha until June?

A. Yes, as far as I can remember.

Q. When you came to Thermotec in 03, assume in late October and November, had it been in testing, early 04?

A. Yes.

Q. Okay, so did you have Jerry Palmer and Lawrence Holding supervised? Why did you go out and hire Jerry Palmer?

A. Well, I knew the 's workers.

Q. "Hey, my name's Joe Palmer, remember? You were laboring in Thermotec, remember? Jerry?"

A. Yes, I.

Q. Why did you come out? Was you over there [illegible] in Thermotec for many?

A. By the Thermotec.

Q. I thought you said it was a year and half ago? Was that right?

A. Yes.

Q. And then you worked "X" doing the same maintenance and painting in Area [illegible]

of having these gentlemen get together, including Petrochenko, hadn't you? It wasn't any surprise to you that Petrochenko had been talking to them, was it?

A. No.

Q. This business of finding out later, you knew he was going to speak to them, didn't you?

A. Yes.

Q. But you never spoke to Petrochenko?

A. No.

Q. You had no interest in him?

A. No, I had no interest in him.

Q. Did you say you used your car or Balsam's car?

A. Balsam's car.

Q. And he picked you up and drove you over and drove you home again?

A. Yes.

Q. Pardon?

A. I left my car in Niagara Falls.

Q. You were in Niagara Falls?

A. No. He picked me up and I drove my car as far as Niagara Falls and we continued on to Toronto.

Q. And then he took you back to Niagara Falls to pick up your own car?

A. That's right.

Q. Did you make any contribution to the gas and oil for that trip?

of leaving those conditions and happiness, including
transportation, hadn't you? Is that's the purpose
of the last transportation that been relating to them,
was it?

A. No.

Q. This business of handing out labor,
you have to use going to work to them, didn't
you?

A. Yes.

Q. Did you never speak to Independence

A. No.

Q. You had no interest in labor

A. No, I had no interest in him.

Q. Did you ever call your car
or Jackson's car?

A. Jackson's car.

Q. And he picked you up and drove you
over and drove you home again?

A. Yes.

Q. Regular?

A. I took my car in Kansas City.

Q. You were in Independence Valley?

A. No. He picked me up and I drove
my car on the Kansas City and we continued
on to Tarkio.

Q. And then he took you back to
Kansas City to pick up your own car?

A. That's right.

Q. And you were continuing in
the car on oil for that day?

A. No, sir, I did not.

Q. Now, when you met Balsam with regard to this proposed meeting in Toronto with Lawrence and Petrochenko did he call Petrochenko before you called Lawrence?

A. (No audible answer).

Q. Did Balsam call Petrochenko?

A. Yes, Balsam called Petrochenko.

Q. Before you called Lawrence?

A. No, I believe I — I believe I called Lawrence before that.

Q. And then did you call him back again to tell him Petrochenko was coming?

A. No. I just called him the once.

Q. You told hisyou would be contacting Petrochenko because he knew you, Petrochenko and Balsam were coming over?

A. Yes, he knew that.

Q. How did you tell him that, that you hadn't spoken to Petrochenko yet?

A. I hadn't spoken to Petrochenko.

Q. If Balsam hadn't spoken to him how did you know Petrochenko was coming?

A. Balsam said Petrochenko would be coming over.

Q. He had already made that arrangement with Petrochenko?

A. I believe he did.

Q. They had sat down and discussed

A. No, sir, I did not.

Q. Then when you met Julian-who

passed on this proposed meeting in Tuesday

with Jackson and Tchaikovsky did he call

Khachaturian before you called Lawrence?

A. (No audible answer).

Q. Did Julian call Khachaturian?

A. Yes, Julian called Khachaturian.

Q. Before you called Lawrence?

A. No, I believe I -- I believe I

called Lawrence before then.

Q. And then did you call him back

again to tell him Khachaturian was coming?

A. No. I just called him the

time.

Q. You told Lawrence would be coming

Khachaturian because he knew you, Tchaikovsky and

Julian were making trip?

A. Yes, he knew that.

Q. How did you tell him that, that you

didn't speak to Tchaikovsky yet?

A. I hadn't spoken to Tchaikovsky.

Q. If Julian hadn't spoken to him

how did you know Khachaturian was coming?

A. Julian and Khachaturian would be

coming down.

Q. He had already made this arrange-

ment with Tchaikovsky?

A. I believe he did.

this?

A. I guess so. I don't know. To the best of my knowledge I don't know.

MR MACKINNON: That is all for now.

MR SHIME: Mr. Ross has gone but he said he would have no questions.

THE COMMISSIONER: Do you have any further examination, Mr. Wilson?

MR WILSON: No, Mr. Commissioner, not at this time.

THE COMMISSIONER: We may require you back later, Witness. I don't know just when but hold yourself in readiness.

A. What about expenses?

Q. What do you mean: what about expenses?

A. For coming down.

Q. Weren't you served with a subpoena?

A. Yes. That was for $11, sir. But I think I should be reimbursed.

Q. Take that up with Mr. Wilson.

A. I will.

THE COMMISSIONER: Tomorrow morning at ten o'clock.

---Whereupon the Hearing adjourned at 5.15 P.M. until 10.00 A.M.

[illegible]

A. I guess so. I don't know. Do

you know of any conspiracy I don't know.

Q. [illegible] What is all for now.

Q. [illegible] Mr. Jones has been but in this

he would have to [illegible].

MR. CONNELLSVILLE. Do you know any [illegible]

[illegible], Mr. [illegible]?

MR. WILSON. No, Mr. Connellsville, such as

[illegible].

MR. CONNELLSVILLE. No any [illegible] you

[illegible], [illegible]. I don't know [illegible]

[illegible] personal in conditions.

Q. When [illegible] occupation?

Q. What do you mean, what about

[illegible]?

A. [illegible] Jones.

Q. Haven't you worked with a

[illegible]?

A. Yes. That was for [illegible].

But I think I should be [illegible].

Q. [illegible] [illegible] Mr. [illegible].

A. I will.

MR. CONNELLSVILLE. [illegible] [illegible]

[illegible].

Thereupon the hearing adjourned at 5.15 P.M.

[illegible].

VOLUMES Nos.

IN THE SUPREME COURT OF ONTARIO

BETWEEN :

KENNETH H. BROWN and JAMES T. GOW, Trustees, on behalf of themselves and all other Shareholders of Beleggings-Societeit, N.V., and the said BELEGGINGS-SOCIETEIT, N.V., as represented by the said Kenneth H. Brown and James T. Gow,

Plaintiffs.

-and-

BELEGGINGS-SOCIETEIT, N.V., as represented by W.H.J. de Boer and J.C.W.M. Huijsmans,

Defendants.

TRANSCRIPT OF PROCEEDINGS AT TRIAL.

Dates .....

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